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Standing Committee on Industrial Re-
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HOUSE OF COMMONS
Second Session—Twenty-sixth Parliament
1964-1965

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STANDING COMMITTEE
ON
INDUSTRIAL RELATIONS

Chairman: Mr. BRYCE MACKASEY

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

Respecting operations of the Board of Trustees under the
Maritime Transportation Unions Trustees Act

THURSDAY, APRIL 23, 1964

THURSDAY, DECEMBER 10, 1964

TUESDAY, MARCH 16, 1965

WITNESSES:

From the Board of Trustees of the Maritime Transportation Unions:
The Honourable Mr. Justice Victor L. Dryer (Chairman until his
resignation on December 15, 1964); Mr. Charles H. Millard, Trustee;
and Mr. Louis-Philippe de Grandpré, Counsel.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Chairman: Mr. B. Mackasey

Vice-Chairman: Mr. H. P. Lessard (Saint-Henri)

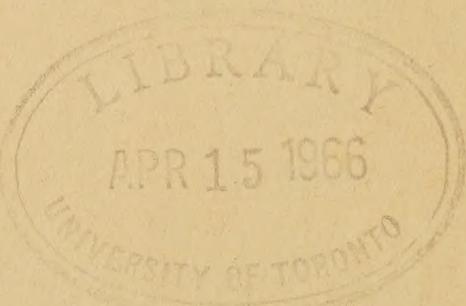
and Messrs.

Barnett,	Gray,	Munro,
Basford,	Greene,	Nielsen,
Bell,	Hales,	Nugent,
Brewin,	Jewett (Miss),	Regan,
Byrne,	Lachance,	Rhéaume,
Chrétien,	Latulippe,	Ricard,
Cyr,	MacInnis,	Rideout (Mrs.),
Dionne,	Martin (Timmins),	Simpson,
Émard,	*McNulty,	Starr,
Fairweather,	Mitchell,	Woolliams—35.
Frenette,	Muir (Cape Breton	
Godin,	North and Victoria),	

M. Slack,
Clerk of the Committee.

*Replaced by Mr. Harley on March 15, 1965.

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ORDERS OF REFERENCE

HOUSE OF COMMONS

FRIDAY, April 10, 1964.

Resolved,—That the following Members do compose the Standing Committee on Industrial Relations:

Messrs.		
Barnett,	Greene,	Mitchell,
Basford,	Hable,	Muir (Cape Breton
Bell,	Irvine,	North and Victoria),
Chrétien,	Knowles,	Muir (Lisgar),
Cyr,	Lachance,	Noble,
Dionne,	Latulippe,	Orlikow,
Émard,	Laverdière,	Regan,
Foy,	Lessard (Saint-Henri),	Ricard,
Frenette,	MacInnis,	Rideout,
Godin,	Mackasey,	Starr,
Grafftey,	McNulty,	Stenson,
Gray,	Millar,	Weichel—35.
(Quorum 10)		

WEDNESDAY, March 11, 1964.

Ordered,—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

TUESDAY, April 28, 1964.

Ordered,—That the Standing Committee on Industrial Relations be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

MONDAY, July 13, 1964.

Ordered,—That the name of Miss Jewett be substituted for that of Mr. Rideout on the Standing Committee on Industrial Relations.

TUESDAY, November 10, 1964.

Ordered,—That the name of Mr. Nielsen be substituted for that of Mr. Weichel on the Standing Committee on Industrial Relations.

THURSDAY, November 26, 1964.

Resolved,—That the Standing Committee on Industrial Relations be empowered to hear and to examine members of the Board of Trustees of the Maritime Transportation Unions concerning the acts performed and the facts found in carrying out the duties entrusted to them by the Maritime Transportation Unions Trustees Act and to report to the House from time to time.

STANDING COMMITTEE

WEDNESDAY, December 9, 1964.

Ordered,—That the names of Messrs. Woolliams, Fairweather, Nugent, Rhéaume, Simpson, Hales, Munro, Rideout (Mrs.), Byrne, Brewin and Martin (Timmins), be substituted for those of Messrs. Grafftey, Irvine, Millar, Muir (Lisgar), Noble, Stenson, Foy, Laverdière, Habel, Orlikow and Knowles on the Standing Committee on Industrial Relations.

THURSDAY, March 11, 1965.

Ordered,—That the Standing Committee on Industrial Relations be granted leave to sit while the House is sitting.

MONDAY, March 15, 1965.

Ordered,—That the name of Mr. Harley be substituted for that of Mr. McNulty, on the Standing Committee on Industrial Relations.

Attest

LEON-J. RAYMOND,
The Clerk of the House.

REPORTS TO THE HOUSE

TUESDAY, April 28, 1964.

The Standing Committee on Industrial Relations has the honour to present the following as its

FIRST REPORT

Your Committee recommends that it be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

Respectfully submitted,
B. S. MACKASEY,
Chairman.

(*Note,—This Report was concurred in by the House on the same day.*)

THURSDAY, March 11, 1965.

The Standing Committee on Industrial Relations has the honour to present its

SECOND REPORT

Your Committee recommends that it be granted leave to sit while the House is sitting.

Respectfully submitted,
B. S. MACKASEY,
Chairman.

(*Note,—This Report was concurred in by the House on the same day.*)

MINUTES OF PROCEEDINGS

THURSDAY, April 23, 1964.

(1)

The Standing Committee on Industrial Relations met this day, at 12.10 p.m. for organization purposes.

Members present: Messrs. Barnett, Basford, Cyr, Dionne, Émard, Foy, Frenette, Gray, Irvine, Laverdière, Lessard, Mackasey, Millar, Mitchell, Rideout (Mrs.), Starr, Stenson. (17)

The Clerk attending, and having called for nominations, Mr. Basford moved, seconded by Mr. Cyr, that Mr. Mackasey be Chairman of the Committee.

On motion of Mr. Lessard, seconded by Mr. Foy, nominations were closed.

There being no other nominations, the Clerk declared Mr. Mackasey elected Chairman and he invited him to take the chair.

Mr. Mackasey thanked the Committee for their confidence and he invited nominations for the post of Vice-Chairman.

Mr. Foy, seconded by Mr. Gray, moved that Mr. Lessard (*Saint-Henri*) be elected Vice-Chairman.

Mr. Émard, seconded by Mr. Gray, moved that nominations be closed.

The Chairman declared Mr. Lessard (*Saint-Henri*) elected Vice-Chairman.

Thereupon, on motion of Mr. Gray, seconded by Mr. Frenette,

Resolved,—That permission be sought from the House to print such papers and evidence as may be ordered by the Committee.

On motion of Mr. Basford, seconded by Mr. Émard,

Resolved,—That a subcommittee on Agenda and Procedure be appointed, comprising the Chairman and six (6) other members to be named by him after consultation with the whips of the different parties.

There being no other business before the Committee, Mr. Basford, seconded by Mr. Cyr, moved that the Committee adjourn to the call of the Chair.

At 12.19 p.m., the Committee adjourned to the call of the chair.

Marcel Roussin,
Clerk of the Committee.

THURSDAY, December 10, 1964

(2)

The Standing Committee on Industrial Relations met *in camera* this day at 10.10 a.m. The Chairman, Mr. Bryce Mackasey, presided.

Members present: Miss Jewett, Mrs. Rideout, and Messrs. Barnett, Basford, Bell, Brewin, Byrne, Chrétien, Cyr, Émard, Fairweather, Frenette, Gray, Greene, Hales, Lachance, Lessard (*Saint-Henri*), Mackasey, Martin (*Timmins*), McNulty, Munro, Regan, Rhéaume, Simpson, Starr, Woolliams (26).

In attendance: From the Board of Trustees of the Maritime Transportation Unions: the Honourable Mr. Justice Victor L. Dryer, Chairman; Judge René Lippé, Trustee; Mr. Charles H. Millard, Trustee; and Messrs. Louis-Philippe de Grandpré, Counsel; Allan H. Hope, Executive Director; and John Howard, Assistant Director.

On motion of Mr. Basford, seconded by Mr. Lessard (*Saint-Henri*),

*Resolved,—*That the Committee print 750 copies in English and 250 copies in French of its Minutes of Proceedings and Evidence.

On motion of Mr. McNulty, seconded by Mr. Fairweather,

*Resolved,—*That the Committee request permission to sit while the House is sitting.

The Clerk read the Committee's Order of Reference.

The Chairman made an oral report of the meeting of the steering subcommittee, and then on request, the Clerk read the minutes of the meeting of the steering subcommittee.

The Chairman introduced the Board of Trustees of the Maritime Transportation Unions and their officials.

The Committee discussed its Order of Reference, during which time Hon. Mr. Justice Dryer and Mr. Millard made statements.

After debate, Mr. Munro moved, seconded by Mr. Regan, that the question of an adjournment of this Committee pending the production of the Annual Report of the Board of Trustees, be referred to the steering subcommittee for decision and report to the next meeting of this Committee.

In amendment thereto, Miss Jewett moved, seconded by Mr. Lessard (*Saint-Henri*), that the following words be added to the above motion, "but that prior to the reference to the steering subcommittee, that this Committee adjourn to the call of the Chair until the report of the Board of Trustees is tabled on or about January 15, 1965".

After discussion, the question being put on the amendment, it was carried on the following recorded division: Yeas: Miss Jewett, Mrs. Rideout, Messrs. Barnett, Basford, Brewin, Chrétien, Cyr, Émard, Frenette, Gray, Greene, Lachance, Lessard (*Saint-Henri*), Martin (*Timmins*), McNulty, Munro (16); Nays: Messrs. Bell, Fairweather, Hales, Regan, Rhéaume, Simpson, Starr and Woolliams (8).

The motion, as amended, was adopted.

At 11.55 a.m., the Committee adjourned to the call of the Chair.

TUESDAY, March 16, 1965
(3)

The Standing Committee on Industrial Relations met this day at 9.10 a.m. The Chairman, Mr. Bryce Mackasey, presided.

Members present: Miss Jewett, Mrs. Rideout, and Messrs. Barnett, Basford, Bell, Brewin, Byrne, Chrétien, Cyr, Émard, Fairweather, Gray, Greene, Hales, Harley, Lachance, Lessard (*Saint-Henri*), Mackasey, Martin (*Timmins*), Mitchell, Munro, Nielsen, Regan, Starr, Woolliams (25).

In attendance: From the Board of Trustees of the Maritime Transportation Unions: the Honourable Mr. Justice Victor L. Dryer, (Chairman until his

resignation on December 15, 1964); Judge René Lippé, (Trustee, then later appointed Chairman); and Messrs. Charles H. Millard, Trustee; Joseph MacKenzie, Trustee; Louis-Philippe de Grandpré, Counsel; Allan H. Hope, Executive Director; John Howard, Assistant Director, and Charles Turner, Executive Assistant to Mr. Millard.

The Chairman advised that an attempt would be made at this sitting to transcribe the simultaneous interpretation of the proceedings on an experimental basis.

Mr. Mackasey then read the Committee's Order of Reference.

The Chairman reported that the steering subcommittee suggested that all items that the Committee feels should be discussed *in camera*, be set aside and referred to the steering subcommittee.

Mr. Nielsen moved, seconded by Mr. Starr, that the ballots of the last election of the S.I.U. officers, executive or officials be produced to this Committee forthwith.

On the suggestion of the Chairman, it was agreed to defer this motion until the Committee reached the section in the Annual Report of the Board of Trustees dealing with Elections and to also enable the Chairman to consult with the legal authorities.

Mr. Nielsen moved, seconded by Mr. Starr, that an independent auditor be appointed by the Committee to take custody of and audit all papers, documents, receipts and books of account of the S.I.U. and report thereon to the Committee.

After discussion, the Chairman ruled the motion out of order, and on appeal by Mr. Nielsen, the Chairman's ruling was sustained on the following division: Yeas, 16; Nays, 3.

The Committee commenced consideration of the report of the Board of Trustees of the Maritime Transportation Unions for the period January 1, 1964 to December 31, 1964 and Mr. Justice Dryer was examined on the introductory portion and sections dealing with removal of Mr. Banks, relations with the S.I.U. of North America and Elections.

On motion of Mr. Barnett, seconded by Mr. Martin (Timmins),

Resolved,—That copies of the constitutions of the unions under the jurisdiction of the Board of Maritime Trustees be appended to the proceedings of the Committee.

Discussion again ensued on Mr. Nielsen's deferred motion relating to production of ballots, and the Chairman advised he would consult with Dr. Ollivier and make his ruling at the afternoon sitting.

The questioning of the witness still continuing, at 12.05 p.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING (4)

The Committee resumed at 3.50 p.m. The Chairman, Mr. Bryce Mackasey, presided.

Members present: Miss Jewett, Mrs. Rideout and Messrs. Barnett, Basford, Bell, Brewin, Byrne, Chrétien, Cyr, Émard, Frenette, Gray, Greene, Hales, Harley, Lachance, Lessard (Saint-Henri), Mackasey, Martin (Timmins), Mitchell, Nielsen, Regan, Starr, Woolliams—(24).

In attendance: (Same as at morning sitting).

The Committee resumed consideration of the report of the Board of Trustees and Mr. Justice Dryer was further examined.

Mr. Mackasey made a statement relating to collective labour agreements in answer to a request at the morning sitting.

The Chairman then ruled that the deferred motion of Mr. Nielsen, relating to production of ballots, was out of order, and on appeal by Mr. Nielsen, the Chairman's ruling was sustained on the following division: YEAS, 14; NAYS, 7.

Mr. Nielsen moved, seconded by Mr. Starr, that the report of the Election Committee dated Montreal, December 4, 1964, be produced for the Committee.

As an amendment, Mr. Brewin moved, seconded by Mr. Barnett, that the motion of Mr. Nielsen be referred to the steering subcommittee to consider and report back to the Committee as to whether there is any objection to its production at the public hearings of this Committee.

Mr. Gray moved, seconded by Mr. Lessard (*Saint-Henri*), that the Committee now adjourn. The motion was carried on the following division: YEAS, 13; NAYS, 6.

At 4.50 p.m., the Committee adjourned until 8.00 p.m. this evening.

EVENING SITTING (5)

The Committee resumed at 8.15 p.m. The Chairman, Mr. Bryce Mackasey, presided.

Members present: Miss Jewett and Messrs. Barnett, Basford, Bell, Brewin, Byrne, Cyr Émard, Frenette, Gray, Greene, Lachance, MacInnis Mackasey, Nielsen, Starr (16).

In attendance: (Same as at morning and afternoon sittings).

The Committee resumed consideration of the report of the Board of Trustees and Mr. Justice Dryer was further examined.

The Chairman advised that Mr. Justice Dryer was obliged to leave at 9.00 p.m. this evening and would be unable to appear again until some time in April.

Mr. de Grandpré, Counsel for the Board of Trustees requested permission to address the Committee.

After discussion, Mr. Nielsen moved, seconded by Mr. Starr, that the question be now put. This motion was negatived on the following division: YEAS, 4; NAYS, 11.

Mr. de Grandpré then made a statement on the position of the Board of Trustees in the light of their examination by the Committee.

After discussion, the question being put on the amendment of Mr. Brewin, it was carried on the following division: YEAS, 7; NAYS, 6.

The question being put on Mr. Nielsen's motion, as amended, it was carried on the following division: YEAS, 8; NAYS, 5.

Mr. Nielsen moved, seconded by Mr. Starr, that the minority election committee report dated December 10, 1964, signed by Robert MacArthur be produced for the Committee.

In amendment thereto, Mr. Brewin moved, seconded by Mr. Barnett, that the motion of Mr. Nielsen be referred to the steering subcommittee to consider and report back to the Committee as to whether there is any objection to its production at the public hearings of this Committee.

After discussion, the question being put on the amendment, it was carried on the following division: YEAS, 7; NAYS, 6.

The question being put on the motion as amended, it was carried on the following division: YEAS, 11; NAYS, 3.

Mr. Nielsen moved, seconded by Mr. Starr, that a memorandum or report to the Board of Trustees from the election committee dated November 10, 1964, signed by Messrs. Ainsborough, MacArthur and Judge be produced for the Committee.

In amendment thereto, Mr. Brewin moved, seconded by Mr. Barnett, that the motion of Mr. Nielsen be referred to the steering subcommittee to consider and report back to the Committee as to whether there is any objection to its production at the public hearings of this Committee.

After discussion, the question being put on the amendment, it was negatived on the following division: YEAS, 6; NAYS, 8.

The question being put on the motion, it was negatived on the following division: YEAS, 4; NAYS, 11.

At 9.05 p.m., the examination of the witness still continuing, the Committee adjourned to the call of the Chair.

M. Slack,
Clerk of the Committee.

Note—The evidence, adduced in French and translated into English, printed in this issue, was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.

EVIDENCE

TUESDAY, March 16, 1965.

(Text)

The CHAIRMAN: Ladies and gentlemen, we have a quorum. As you know, this is a resumption of the industrial relations committee.

At the very outset of this particular meeting I must emphasize the necessity of holding our meetings on time, particularly today, in view of the fact that Judge Dryer has come all the way from Vancouver at much personal hardship because he has a very heavy load to carry out there in his capacity of judge. It is imperative that Judge Dryer return to Vancouver this evening. So, we are hoping to get in as many fruitful sessions as possible today and to cover enough of the report that we could free Judge Dryer for as long a period of time as possible, if not permanently.

I have here a note which was sent to me by Mr. Robichaud, the senior interpreter, which reads as follows:

As you are probably aware there is to be an attempt to transcribe the simultaneous interpretation at your committee's meeting tomorrow morning. This is to be tried out on an experimental basis only in order to obviate the apparently insoluble difficulties now being experienced in making the translated text of the Minutes of Proceedings available within a reasonable time.

I understand this method has been tried elsewhere with varying degrees of success. There is no reason to believe, however, that it should not work here providing a reasonable degree of co-operation is obtained from the committee itself. This need not inhibit freedom of discussion but it would be appreciated if witnesses and members wishing to speak were to be asked to ensure

- (a) that they are speaking into a microphone;
- (b) that their delivery is reasonably paced.

I just draw that to the attention of the committee so we will not be periodically interrupted.

When our committee met before the holidays it was decided after some lengthy discussion to adjourn the meeting until such time as the report of the board of trustees of the maritime transportation unions was tabled in the house, as required under the statute that brought this board of trustees into existence. We have waited for this report. I might draw to your attention at the outset that we have, in addition, a supplementary report, submitted by Mr. Millard of the board of trustees.

I already have spoken to Judge Dryer about an opening statement. He feels that at this particular moment it would add nothing to the proceedings as he made an opening statement at the last meeting and in view of the length of time at his and our disposal we should get right into the report on hand.

From what our very experienced clerk has told me I am duty bound to draw to your attention once again the original terms of reference, which I will now read. These were set up on November 9 and read as follows:

That the standing committee on industrial relations be empowered to hear and to examine the members of the board of trustees of the maritime transportation unions concerning the acts performed and the facts found in carrying out the duties entrusted to them by the Maritime Transportation Unions Trustees Act and to report to the house from time to time.

Now, I am very pleased at the degree of co-operation that has marked the meetings of our steering committee. At the last meeting held a week or so ago it was felt that all items that the trustees feel or that we feel after some discussion should be discussed in camera, should be put aside as we come to them, and when sufficient items have been accumulated we will then hold a steering committee meeting and see whether we need one, two or more meetings in camera. Of course, if we cannot agree then we will have to seek legal opinion on the various topics of disagreement. I would emphasize, however, in case there is any misunderstanding, that this is not handing me the power of veto because I do not intend to use it that way, and I know that the trustees are responsible enough not to object to certain phases of this report just on a whim and just to have a discussion in camera. I am sure that with the responsibilities that I know the trustees have and the co-operation that I expect from the committee, we should be able to make fairly rapid progress. Now I think that everyone has a copy of the report at this time; if not, we can perhaps try and get more. Does everyone have a copy of the report or reports?

Mr. BASFORD: Is there a report of the committee on agenda and procedure that should be made part of the record at this point?

The CHAIRMAN: Unfortunately at the last particular steering committee meeting we did not have a clerk with us for the very simple reason that there has been a tremendous shortage of them and Mr. Slack was already preoccupied with another very important committee. Beyond what I have already told you, we have agreed basically to refer contentious items to the steering committee for discussion of whether they should be held in camera, or in public; I think Mr. Starr would pretty well verify that.

Mr. NIELSEN: Mr. Chairman, at the outset I wonder if I could make two motions concerning matters which I feel the committee should have before them in order to intelligently and properly examine the trustees and anyone else that might come before the committee. The first motion pertains to the ballots of the last election of the S.I.U. officers and executive. I would like to move that the ballots of the last election of the S.I.U. officers, executive or officials be produced to this committee forthwith.

Mr. STARR: I second the motion.

Mr. NIELSEN: The reason for that, of course, is that one of the areas of inquiry is the conduct of those elections and the supervision thereof, if any, applied by the trustees in the turnover of the executive.

The CHAIRMAN: We have a motion duly moved and seconded. I would now open the meeting for discussion on the motion before us which is basically that the ballots of the last election of the S.I.U. officers, executive or officials be produced to this committee forthwith.

I might just say too that we will be following the general report in the order that it is written up, unless, of course, the committee rules otherwise. You feel that you would like these here at the present moment or as soon as possible?

Mr. NIELSEN: Yes.

The CHAIRMAN: Are there any comments on that request?

Mr. BASFORD: May I ask whether this was raised by the steering committee or not?

The CHAIRMAN: No. This is the first time that this matter has been discussed.

Mr. BYRNE: Mr. Chairman, since we will be questioning the trustees on the conduct of their administration and from time to time will be reading various administrative details, I am wondering whether at the outset we are going to determine that every detail—that is, all of the manuscripts and all of the material that has passed between one trustee and another and all material

relevant to the administration—is going to be brought before this committee. After all, this committee will have a rather short lifetime, we hope, in that the session is near an end.

The CHAIRMAN: I am afraid we cannot very well presume the length of the committee for the simple reason that it may be—

Mr. BYRNE: I think it is true that we cannot determine the length of the committee at this time. But should we first determine whether there is a case for assuming that the elections were not carried out in a proper manner. This would be brought out during the questioning, if we are assuming right at the outset that there is something improper about the elections.

The CHAIRMAN: Mr. Nielsen, I do not know if I am right or wrong in recognizing your riding of Yukon; I will have to find that out. Have you any objection to presenting this motion when we get to the phases of the report which deal with elections?

Mr. NIELSEN: I thought I would like to have it dealt with now, Mr. Chairman, for one very good reason. I have reason to believe that the ballots have been secured by the S.I.U. officials or by the trustees and that they are available. Secondly, I have reason to believe there existed irregularities in the conduct of the election and I intend to ask questions to elicit whether or not that is a fact.

The CHAIRMAN: When we get to that phase of the report.

Mr. NIELSEN: Yes, when we get to it. Thirdly, and this is perhaps the most important reason, it is going to take some time to study those ballots and if they are produced immediately before the particular item comes up for discussion, then it is going to be rather difficult to give those ballots the scrutiny and attention that they deserve in order to conduct an intelligent examination of the witnesses. Therefore, I would urge that members do this.

Mr. GREENE: I think that in order to complete our work we should stick to our terms of reference. So far as my reading of our authority is concerned—beyond which we have no right to transgress—we are to examine the trustees. I do not think we can anticipate what questions will be asked or what ambit of examination the Chair will rule in order when we reach the point where we will examine the trustees. However, surely we cannot go on a general fishing expedition ahead of time which may be ruled completely irrelevant at the time the trustees are being examined.

With regard to my point of order, I would like to say that this hearing is limited by the authority of the house to an examination of the trustees, and I would ask the Chair to rule that this motion is out of order and is beyond the competence of our jurisdiction.

Mr. STARR: In speaking to the point of order, I would like to say I think the member who has preceded me admits that we should ask questions in respect of the administration of the trustees, and one of the important aspects of that administration is the conduct of the elections in the S.I.U. Under the terms of reference, I think we have every right to question the trustees on the election and I believe, in order to ask questions intelligently, we should be acquainted with the whole situation in advance. I think that is the prime reason I would like to have these ballots now. Then, in this way, at the proper time we would have the material at hand and would be able to ask questions intelligently on the conditions relative to the election.

Mr. BARNETT: Mr. Chairman, I do not feel the motion is out of order, because the terms of reference clearly state we are empowered to examine the members of the board of trustees concerning the acts performed in the carrying out of their duties. I must say, however, Mr. Chairman, this is not a motion we can intelligently assess at this point in order to decide whether we should support it or should not support it.

Certainly I had not envisaged that this committee was going to set itself up to be a body which, in effect, would carry out a judicial recount of the ballots of the elections. By implication I think that is what the motion suggests.

Mr. NIELSEN: No.

Mr. BARNETT: Before I would support such a motion, I certainly would want to feel there were better reasons for doing so than those which have been set out at the moment.

The matter of the elections is referred to on page 10 of the report where it says:

Elections were held by the S.I.U. of Canada from September 15th, 1964 to November 15th, 1964, pursuant to the constitution of the S.I.U. The elections were conducted under the scrutiny of an elections committee comprised of a representative from each of the following bodies: The Canadian Labour Congress, the Department of Labour, the Board of Trustees, and the S.I.U. of Canada.

Now, Mr. Chairman, I have had some experience in seeing elections conducted in a union. I have been a member of the balloting committee of my own union and, while I am quite confident those elections were properly conducted, I never have heard of another union election which was under the auspices of a balloting committee or elections committee which was quite as broadly representative of independent observers as the committee indicated in this report.

The CHAIRMAN: Gentlemen, I think I have heard sufficient argument on both sides of this matter. I thank all those who have participated for their advice. I would insist that this motion be entertained when we arrive at the particular part of the report which deals with the elections. The member for the Yukon territory made a very good point that the ballots are available. Therefore, if it is the will and pleasure of the committee that these be produced, then at that time there should be no undue delay in obtaining the ballots.

In the meantime I will discuss this matter with the proper legal authority to determine whether or not such a request falls within our terms of reference.

Mr. STARR: Is it understood that when this particular matter comes up, the motion will be entertained, and if it is passed ample opportunity will be given before proceeding with that particular item to give the members an opportunity to examine the ballots.

The CHAIRMAN: When the motion is reintroduced at the proper time, I will then render a decision, after having had a discussion with the legal authorities, and having in mind the argument presented before me. I would not want to say whether I would accept or reject the motion, but let us say we would rediscuss it in the light of the facts which come up when we discuss that part of the report.

Mr. NIELSEN: So that you may not be put in the position of having to rule the motion out of order, and since the committee is not in a position to deal with it forthwith, I will defer the placing of the motion in accordance with your ruling.

May I put a second motion?

The CHAIRMAN: We will hear it.

Mr. NIELSEN: For the same reason—having to do with the conduct of the affairs of the union by the trustees—I move, seconded by Mr. Starr, that an independent auditor be appointed by the committee to take custody of and audit all papers, documents, receipts and books of accounts of the S.I.U., and report thereon to the committee.

The CHAIRMAN: The motion before the committee, moved by Mr. Nielsen, seconded by Mr. Starr, reads as follows:

That an independent auditor be appointed by the committee to take custody of and audit all papers, documents, receipts and books of accounts of the S.I.U., and report thereon to the committee.

This motion is moved, seconded, and now is open for comment.

Mr. REGAN: Mr. Chairman, I certainly think this motion is highly improper at this stage. If it could go to a vote, I certainly would oppose it. I would like to emphasize that surely the trustees are not on trial before this committee. These trustees are persons of prestige in public life who have given their time to administer the trusteeship. I feel the hon. member for the Yukon has a persecution or a prosecution complex when he wants an independent audit before the trustees have been questioned and before being dissatisfied with their answers or before finding any irregularities in their answers. I think such action would be extending this inquiry of the trustees by the committee into something of an extreme witch hunt.

I am not sure whether or not this motion is in order, but at any rate, I am very strongly opposed to this motion.

Mr. GREENE: On a point of order; I would ask the Chair to rule the motion out of order.

Once again, may I say that we have not reached the happy day when these committees will be able to operate independently of the House of Commons. Until that time arrives, if it ever does, we are limited to the authority given to us by the house. That is the only authority we have; that is, to examine the trustees and the matters within their jurisdiction, and not to have independent audits made.

I do not see how the Chair could entertain this motion. I would ask the Chairman to rule the motion out of order.

Mr. BYRNE: Mr. Nielsen has a complex.

The CHAIRMAN: This is not what I am interested in at the moment.

Mr. BYRNE: I am interested in the motion and I would ask that you rule it out of order on the basis that it is contrary to our terms of reference and is tantamount, should it carry, to a dismissal of the trustees, and a motion of non-confidence in the trustees. As yet, there has been no question before this committee of the trustworthiness of the trustees. Surely we can conduct ourselves in a better manner.

The CHAIRMAN: Now, Mr. Gray.

Mr. GRAY: I wish to speak to the point of order which I support.

The CHAIRMAN: Would you please speak more clearly into the microphone.

Mr. GRAY: I do not think that this committee has any power on its own motion to hire professional people to carry on any type of work. For that reason alone, I think this motion should not be received. In addition, as already pointed out, I think the trustees are before us to report much in the way that the Canadian National Railways come before the railway committee, and that this particular motion in a sense would be prejudging the trustees in a way that we have neither the right nor the authority to do.

The CHAIRMAN: Now, Mr. Chrétien.

(Translation)

Mr. CHRÉTIEN: Mr. Chairman, I do not want to discuss the question of admissibility, but I know that it is completely unsuitable to do so at this time. Mr. Nielsen should wait at least until the trustees have been examined. If, at that time, we see that there is something unusual going on, we can ask

for details of that kind. But the way in which he is proceeding is merely by insinuation to try to give rise to suspicion. We know he likes that especially but I am opposed to it. I believe we should wait until the trustees have testified before proceeding in that manner, raising doubts about their reputation as the member for the Yukon would like to do.

(Text)

The CHAIRMAN: Perhaps Mr. Nielsen would like to say something by way of rebuttal.

Mr. NIELSEN: I am astounded that my friends on the Liberal side should have any idea that I have a persecution motive or an ulterior motive in making this motion. The motion was made because I thought, if we were thoroughly and competently going to examine one of the areas of the trustees, namely the way in which they handled union accounts—because after all, every cheque had to be signed by the trustees before it was paid—in asking for an audit and production of the books of accounts, I would be quite in order.

But to save you any difficulty, Mr. Chairman, if you wish to take that motion under the same sort of advisement that you are going to give to my first motion, I should be happy to defer it. Otherwise I am afraid I do not know what my friends on the Liberal side are trying to suggest.

The CHAIRMAN: Your chairman is not the most expert in the world, but there is one thing which he will not tolerate, and that is to permit the exchange of insults between Liberals and Conservatives. I intend to rule this motion out of order. I can visualize the railway committee passing such a motion when the Canadian National Railways accounts come before it, but it does reflect a supposition—and that word might be a little callous—or something unwholesome in this respect in that it implies that the present auditors are not independent, and I presume that the word "auditor" is synonymous with integrity. I presume that this motion is no reflection on the trustees, but I must rule it out of order.

Mr. NIELSEN: Just to make things abundantly clear that the motion has no intended implication in it whatsoever, on the integrity of the auditors, the trustees, or anyone else, let me say that it was simply put before this committee for consideration in the hope that it might have been able to allow us to examine more completely and thoroughly the matter referred to us by the House of Commons, namely, the manner in which the trustees have governed the affairs of the union. That is what has been referred to us, and that is what the purpose of the motion was.

The CHAIRMAN: I am sure that is the reason behind it, but I have made my ruling. If someone wishes to appeal it, it would be in order to do so. Otherwise let us proceed with the report.

Mr. NIELSEN: It is with great regret that we must start off our committee proceedings in this fashion. With all the respect I have for you I must appeal your ruling because I think it is right that this matter should come before the committee.

The CHAIRMAN: Are you ready for the question?

Mr. GREENE: I take it that you have ruled the motion out of order because it is outside the authority of the committee as given to us by the House of Commons.

The CHAIRMAN: Absolutely, that is the idea. Perhaps I did not put it that way. But to me it deals more with auditors than with trustees, and for that particular reason I declare it outside our terms of reference. Are you ready for the question?

Mr. BASFORD: I do not have Beauchesne in front of me, but as I recall it, there is no appeal against the Chairman's ruling. If Mr. Nielsen is unhappy with your ruling, then his only alternative is to go back to the House of Commons.

The CHAIRMAN: The clerk of the committee advises me that there is an appeal of the Chairman's ruling in this committee. If I am overruled and I am dissatisfied, I can make my report back to the House of Commons. Therefore, I shall now put the question. All those in favour of sustaining the Chairman's ruling, please signify.

The CLERK OF THE COMMITTEE: There are sixteen.

The CHAIRMAN: Those against.

The CLERK OF THE COMMITTEE: Two.

The CHAIRMAN: I would not want to deny Mr. Starr his vote. Let us now proceed with the report.

Mr. STARR: Before we proceed with the report I have a question to ask the trustees. Perhaps Mr. Dryer can answer it. In view of the fact that parliament set up trustees based on the main recommendation of Mr. Norris's report, would the chairman, on behalf of the trustees, explain to this committee why the Norris report was so completely ignored, or why it was that the Norris report was not referred to by them in any way? I do not mean to go into any aspects of this report. That is the only question I have, but I think it might clear up a lot of questions.

The CHAIRMAN: Excuse me a moment. When you say ignored the report, do you mean ignored their recommendations, or ignored reference to it?

Mr. STARR: My observation is that the trustees made no reference to the report at all, and that they carried on as if the report did not exist.

The CHAIRMAN: Is that not one of the purposes of this particular committee? You are reaching a conclusion that we may or may not arrive at at the end of our proceedings, that is to say, whether the board of trustees have carried out the mandate given to them by parliament.

Mr. STARR: The reason I ask this is that it is my understanding that the trustees, once they were formed as trustees, said that they would not be guided by the report in any way, but would start on their own, so to speak, and find the facts, and proceed along that line. I wonder if the chairman might say a word.

Mr. GREENE: On a point of order, the Chair has ruled that we should go ahead and discuss the report of the trustees. The hon. member has suggested some other method of approach to this inquiry. I would like to know whether it is the Chair that is directing the agenda of this inquiry, or the order of our inquiry, or whether it is to be a foot loose and fancy free search, so that anybody might go into any terms that he liked.

The CHAIRMAN: The Chair objects to your remarks, if you imply that I am incapable of keeping this committee on the rails. I wish to make it clear to all the members of the committee that I shall chair this committee as impartially and as fairly as I know how.

I have entertained the question from Mr. Starr for one particular purpose, in the hope that once I can clear the air of these technicalities—because I regard them basically as that—we will then be able to get down to an almost unbroken, I hope, review of what is before us, and that is the committee's report from the board of trustees.

Mr. GREENE: Mr. Chairman, on a point of order, I take it then the Chair is ruling that the trustees' report is not to be the first item on the agenda but that Mr. Starr's question is to be the first item on the agenda. Is that correct?

The CHAIRMAN: If that is the interpretation, that is precisely what it is. I will ask Judge Dryer whether he has any comments to make on Mr. Starr's question.

Mr. JUSTICE V. L. DRYER: Our terms of reference are the statute.

The CHAIRMAN: I hope, of course, that everyone has the statute in front of them, including the member from Ontario.

(*Translation*)

Mr. ÉMARD: Mr. Chairman, before beginning, do you have various references on the collective agreement in this matter? Would it be possible to have a copy of the agreement which could be made available to members of the Committee in order to be referable to at need? I am speaking of the S.I.U. Collective Agreement, lately signed by the trustees.

The CHAIRMAN: The agreement between the trustees and—

Mr. ÉMARD: No. I mean the collective agreement which was signed in 1964 between the S.I.U. and the owners.

(*Text*)

Mr. STARR: This request is somewhat similar to the first motion we made when we asked for the availability of the ballots for our guidance.

The CHAIRMAN: I think I should get the meeting back to the procedure on hand. Mr. Émard, as we proceed we will find out if this collective agreement is absolutely necessary to the intelligent discussion of the matter before us, and then we will make it available. In the meantime we will proceed to the first page of the report.

Mr. BREWIN: I would like to ask a question arising out of Mr. Starr's question and Judge Dryer's answer which in fact I did not find too satisfactory. He was asked about whether the board considered the report of Mr. Justice Norris, and I understood him to say "we are bound by the terms of reference in the statute". I would like to ask him to comment on the fact that the statute clearly recites the report as being one of the very bases of the statute. Surely the report therefore is a matter that required consideration by the trustees.

Mr. DRYER: I better answer this, Mr. Chairman. The question that was put to me was not whether we had considered the report. The question contained in its preamble a number of mistakes. However, I took that the core of the question was why we stemmed our report from the statute rather than from something anterior to it. I tried to cut through that fog of inaccuracy and get to the point. The reason why we followed the statute is that it constitutes our terms of reference. To my mind the report was parliament's terms of reference. Parliament takes that, looks at the report and enacts certain legislation. We are set up under that legislation; we cannot go behind it except, as I indicated in the report, for information. Parliament passes upon the report and decides what it wants to implement and what it does not. We cannot set ourselves up above parliament.

The CHAIRMAN: Gentlemen, I must insist that we get on to the order that was discussed and agreed upon at the steering committee meeting, and that is that we will proceed with the report of the board of trustees as tabled in parliament. I do not intend to read it, that is for certain, but I know all of you people have read it many times. I will ask you to turn to page 1. Are there any comments or any business arising from that particular page?

Mr. NIELSEN: Yes, I would like to ask Judge Dryer a question on subparagraph 1. I would like to ask him whether he has any knowledge of an approach being made by any of the trustees or of their appointees to any S.I.U. members, other than the intended slate for the election, for the purpose of running against the intended slate.

Mr. DRYER: What do you mean by "the intended slate"?

Mr. NIELSEN: Mr. McLaughlin and the slate that was eventually elected.

The CHAIRMAN: I must rule at this moment that this question will certainly be much more pertinent when we arrive at the portion of the report

dealing with the election. I can certainly understand that subsection 1 could be broadened to entertain all the questions that everybody would like to ask pertaining to the trusteeship, without ever passing it; it is that wide in its reference when it says "Would interfere as little as possible with the affairs of the union, consistent with carrying out the duties of the trustees under the act". It is so wide we could bog down here for weeks, and then rehash it all as we go through the sections. I would suggest that I get the co-operation of the committee, and your question, which is proper and in order, would be much more appreciated at the time when we discuss specifically the elections of the S.I.U.

Mr. NIELSEN: I intend to ask questions on that as well, Mr. Chairman, but may I, with respect, suggest that the committee proceedings would move along faster if we were not unduly restricted in putting our questions at the time at which we, after careful study of this report, have determined that they should be put. I only had that one line of questioning on subparagraph 1 which I wanted to explore; it would not take me too long.

The CHAIRMAN: I am afraid again that I must insist that you ask that type of question when we come to the specific portion in the report which deals with the subject matter of your question, that is the elections of the S.I.U.

Mr. NIELSEN: Again, Mr. Chairman, subparagraph 1 stipulates that the trustees would interfere as little as possible with the affairs of the union. I wanted to ask questions to determine whether or not there has been interference with the affairs of the union. This is the particular line which I wanted to follow; it is not lengthy and I would certainly suggest to you, Mr. Chairman, it is quite relevant to the clause under discussion.

The CHAIRMAN: I do not want this meeting to deteriorate into a dialogue between the hon. member for the Yukon and the Chairman. I have already said that, in so far as I am concerned, as I understand this particular phase of the report or on the operation of the trusteeship or the act of the trustees could, in theory, at least, be considered relevant under this particular subsection because of its embracing nature. But I have agreed with the steering committee that your type of question will come up as we deal with that specific portion of the report, and if the portion of the report dealing with the elections is half way through the report or in the first or the last quarter of it, then that is when we will discuss the election of the trusteeship. I am sorry, that is my ruling, and I feel that it is the best way to get along with a minimum of delay.

Mr. NIELSEN: May I put this question: did you have a meeting in the Queen Elizabeth hotel with any of the S.I.U. members in connection with the election, prior to the election?

The CHAIRMAN: No matter how you put it, you come back to the same subject matter, the elections. In so far as I am concerned, we will entertain all questions on the elections when we hit that portion of the report.

Mr. NIELSEN: May I put the following question to the witness: Did you, Judge Dryer, have a meeting in the Queen Elizabeth hotel with any of the members of the S.I.U. in connection with any matters of concern to the S.I.U. and relating to the affairs of the S.I.U.?

The CHAIRMAN: Would you care to answer that, Judge Dryer?

Mr. DRYER: Please repeat the question.

Mr. NIELSEN: Did you have a meeting with any of the S.I.U. members in the Queen Elizabeth hotel with respect to any matters relating to the affairs of the S.I.U.?

Mr. MUNRO: Mr. Chairman, on a point of order, I think that Mr. Nielsen will have to particularize his question in connection with that point. When you look at the terms of reference that were adopted in the house, to which he took no exception, you find they are limited to acts performed and facts found in carrying out the duties entrusted to them. I refer to the Maritime Transportation Unions Trustees Act.

I am looking at section 7 of the act which sets out the duties of the trustees. The hon. member will have to relate his question specifically to acts performed or facts found in carrying out the duties as set out in the act.

This is designed for one particular purpose, and that is that this will not become a witch hunt with general questions by which the trustees are to be pilloried with innuendoes and implications. He will have to say something specific and bring it within the terms of reference before the committee.

The CHAIRMAN: I am inclined once again to agree with the hon. member for Hamilton East that this committee must not deteriorate into a witch hunting committee. I think—

Mr. NIELSEN: I object. For heavens sake!

The CHAIRMAN: I have not finished yet. I was going to say at the same time, knowing all members, and knowing it is very early in the morning, I think no one wants this committee to deteriorate into such a state. I am perhaps naive in the hope that I can have co-operation from all members without exception so that we may proceed with the plan set out by the steering committee in our very fruitful and objective meetings.

I think an experienced member such as the member for Yukon will agree that Mr. Munro has a very valid point. Your question is just as broad as the subsection. Again, I am sure, because of your experience, that you must have something in the back of your mind, some particular phase of the report, at which your questions are specifically aimed. I would appreciate your co-operation. I am afraid I will have to insist very soon that we get on with the work of the committee, and deal with the report section by section. All members of this committee will have to restrict their questions to particular sections of the report.

Mr. NIELSEN: On a point of personal privilege, Mr. Chairman, I object to the members of this committee implying that I am on a witch hunt in the questions that I am asking. I object to you, sir, implying that I am following that course of conduct. I am not doing any such thing. I am a member of this committee as a member of the House of Commons, charged with a certain responsibility that I intend to see is carried out as far as I personally am concerned. My motive for asking questions is either darker nor purer than that of any other member here.

I suggest to members that they keep their personal innuendoes to themselves.

The CHAIRMAN: I agree with the hon. member for Yukon, and I would be the last member to impute any motive to the hon. member. None was intended. My remark about witch hunting was intended for all members, Liberals as well as Conservatives. I am just asking and pleading, and insisting, that we make more progress.

Mr. MARTIN (Timmins): You have covered the point I was going to raise.

In the interests of any accomplishment of this committee we can leave all these charges of witch hunting at least until there is some evidence that there is witch hunting.

The CHAIRMAN: That is right.

Gentlemen, the first four pages of this report in effect constitute a preamble. Are there any questions arising out of that preamble specifically, or shall we proceed to page 5?

Mr. BREWIN: Mr. Chairman, I do not know whether it makes any difference eventually, but I cannot quite follow the argument or discussion on page 2 of the report in the second paragraph which refers to the duties of the trustees. It is stated that:

The trustees have therefore taken it to be their objective to manage and control the S.I.U. of Canada, and the other unions, under their respective constitutions—

Then there is emphasis, later in the paragraph, where it is stated:

The trustees must, therefore, for the most part, endeavour to achieve their objectives under the constitution.

And that means the constitution of the S.I.U. Later there is discussion, in the third paragraph, of the "real basis" of their power, but it is stated that "the power to remove officers is power rather than a purpose," and they say they have the power to remove and to appoint officers and employees.

I would like to ask whether that view is based upon legal advice, because it seems to me to be quite inconsistent with section 7 subsection (1) of the act itself, which vests management and control of the unions, without any qualification whatever, in the trustees.

I do not follow the limitation that the trustees seem to feel has been attached to their broad powers of management and control—and they are very broad. I would have thought that management and control should be exercised in spite of the constitution, if it were necessary for the purposes of the act, which are recited as bringing democracy or democratic processes into the unions. This tenderness for the constitution of the union seems to me to be something for which I found no basis in the act itself. This relates, of course, to the future as well as to the past, because I have an idea that parliament meant to vest the widest control in the trustees without the limitations that are read into these paragraphs.

Mr. DRYER: I must confess that a quick reading of subsection (1) of section 7 can lead a person to that conclusion and did so lead me when I read it the first time, but after considerable discussion, and on the best advice we could get, the powers in that subsection seemed to us to disappear.

We may be right or we may be wrong, but these are the conclusions we came to on the legal effect of the statute from the advice that was given to us. I think you would agree that this is not an appropriate place to discuss the rightness or wrongness of a ruling on the law. That is it. We did the best we could to obtain the best advice to the contrary from independent sources.

Mr. GREENE: Did the term "democratic processes" lead the trustees to believe that they should, as far as feasible and possible, abide by the constitution and by the ruling of the majority of the union?

Mr. DRYER: It is a little more complicated than that. It arose as a result of the juxtaposition of certain subsections within the text and the operation of the *expressio unius* rule. It is a complicated matter. That was the conclusion. It was the advice given to us and, as I said, we checked it out as well as we could through independent sources. We tried to get independent advice on it.

The CHAIRMAN: Is that satisfactory, Mr. Brewin?

Mr. BREWIN: Well, it is an answer. Please do not ask me if it is satisfactory.

Mr. DRYER: He means he wants to go to the court of appeal.

The CHAIRMAN: Are there any other questions on that particular phase of the report?

Mr. BARNETT: I think the question raised by Mr. Brewin is an important one. I think I indicated at one point in our earlier discussion that I felt one of

the main responsibilities of the committee was to attempt to assess whether or not the act that parliament passed was adequate as a vehicle or a tool for the trustees to carry out the functions that parliament felt we should be asked to carry out.

While I agree that we cannot arrive at any ad hoc interpretations of the statute, nevertheless I think this is a useful area for us to explore with the trustees. Of course, I speak only as a layman, not as a member of the legal profession, but certainly my impression as a member of the House of Commons when this matter was before us was that subsection (1) of section 7 of the act gave the trustees overriding jurisdiction. Having said that I would not wish to suggest that in my view the trustees should not have operated and should not continue, as far as possible, to operate within the framework of the constitution under the trusteeship. But I think it is a legitimate point of concern whether or not, in all circumstances, to enable them to deal with any eventualities that have arisen or may arise, the act, as it stands, gives the trustees the necessary authority.

The CHAIRMAN: Mr. Barnett, could I ask you a question for my own guidance. You believe this last question you have posed is very relevant. You asked if the act gives them sufficient authority, and I am wondering if this question would not be an excellent one to put at the final meeting after we have had the opportunity to see whether or not they have carried out their mandate, with the powers at their disposal, to everyone's satisfaction. We could decide then whether or not we think the act should be strengthened in order to make it easier for the trustees to carry out their mandate.

Have you a question, Mr. Gray?

Mr. GRAY: In support of Mr. Barnett's comments, Mr. Chairman, I think it would be valuable if we heard the opinion of the trustees themselves in this connection.

Mr. DRYER: Mr. Chairman, let me make myself clear so that there will not be any misunderstanding. I have no intention of entering into any argument in support of any conclusions we have come to on any kind of law, and it would be inappropriate for me to do so. I am sorry, but I will not do that.

Mr. GREENE: Mr. Chairman, on a point of order, I think in fairness we should read into the record subsection 3 of section 7 of the act. I am sure that Mr. Brewin did not leave this out with any intent. It says:

In the management and control of the maritime union the trustees may, in the manner and to the extent that the same may be done under the constitution or by-laws of the maritime union by the duly elected officers thereof,—

I think that reference in subsection 3 should be on the record.

Mr. BREWIN: Yes, Mr. Chairman, I do not think I should argue with Mr. Greene about that. I do not think that affects the breadth of subsection 1.

Mr. NIELSEN: Did the trustees have a legal adviser to advise them on all points of law?

Mr. DRYER: Yes. We always get independent advice. We thought it unwise for a man to be his own lawyer, with which I think you will agree. But, I think you will understand, in my position, I cannot get into an argument as to the legal effect of the statute. I am sorry, but I just cannot do it.

The CHAIRMAN: Have you a question, Mr. Byrne?

Mr. BYRNE: Mr. Chairman, my question was related to the decision you made. I was about to ask Judge Dryer, if, in his opinion, he would have been able to do a better job had he wider powers. But, I think this question could be left until the appropriate time.

The CHAIRMAN: Yes, I would be pleased if you would hold your question until it has been decided whether or not the job has been satisfactory.

Are there any further questions on page 3? You all have had an opportunity to peruse page 3. I think it is very straightforward. I think the last paragraph is significant; it refers to the trouble the trustees had in recruiting adequate help from outside the S.I.U., and then we have the chairman's comment in that connection.

Mr. NIELSEN: Mr. Chairman, since this is the last part of what you have termed the preamble, I take it that any questions concerning elections would be out of order notwithstanding the numerous references to elections on page 4.

The CHAIRMAN: Let us say, Mr. Nielsen, I prefer it that way. Page 4 does open the door to a discussion on elections but the chair would hope, with your co-operation, to hold that in abeyance for the time being.

Mr. NIELSEN: I will co-operate. I would like to ask my questions at this stage, but I will abide by your ruling.

The CHAIRMAN: We proceed now to page 5, the removal of Harold Chamberlain Banks. Is it possible that there could be any questions on this particular section? If there are not, we will proceed.

Mr. NIELSEN: Mr. Chairman, I wonder if we could pass on subject to returning to that section if it has relevancy to later sections. I do have some questions concerning elections that bear a relationship to this section. You have ruled that I should not put my questions now and I would just like to have the opportunity of reverting, if necessary.

Mr. WOOLLIAMS: Mr. Chairman, I would go along with Mr. Nielsen's suggestion, not only so far as elections are concerned but also associations.

The CHAIRMAN: Then if there are no questions other than those related to elections we shall pass on to page 8.

Mr. WOOLLIAMS: Mr. Banks seems to have gone with the wind.

The CHAIRMAN: Page 8 covers the relations with the S.I.U. of North America. We will pause here for a few moments to allow you to check your notes.

Mr. NIELSEN: Mr. Chairman, I could lead off with a question if perchance it might be in order.

Judge Dryer, I wonder if you could explain as precisely as possible the relationship of the trustees with Earl Sheppard during the time to date of your mandate as trustees.

Mr. DRYER: To ask me to describe the relations is much too general a question. I have met Mr. Sheppard a couple of times and have talked with him.

Mr. NIELSEN: Have you talked with him about S.I.U. matters?

Mr. DRYER: Yes.

Mr. NIELSEN: Did any part of your discussion centre around the extent to which there would be control over S.I.U. of Canada by S.I.U. of North America?

Mr. DRYER: Yes.

Mr. NIELSEN: Could you elaborate on that, Judge Dryer?

Mr. DRYER: We were talking about what the situation would be after the election, and I explained to him that even after the election if any officer misbehaved in such a way as to lead the trustees to feel he should be removed, pursuant to the statement I made to Mr. Hall, that under these circumstances we first would ask the union to remove and, failing that, we would go to the International and, failing that we would act ourselves. That is the only dis-

cussion I had with Mr. Sheppard about the relationship. I had another discussion with him about the election, and that was the question of trying to operate the election within the constitution in such a way as to provide as fair an election as possible.

Mr. NIELSEN: Did you have any discussions with Mr. Sheppard about the personnel who would be taking part in the election?

Mr. DRYER: Oh, no. I told him we were having this committee set up, you see, and the nature of the discussion was telling him about the committee.

Mr. NIELSEN: You mean the elections committee?

Mr. DRYER: Yes.

Mr. NIELSEN: Did he have anything to say or any influence on the appointment of that committee?

Mr. DRYER: Oh, no; the committee was appointed. There was one appointed by the federal government, one by the Canadian Labour Congress, one by ourselves, as well as one by the S.I.U. of Canada.

Mr. NIELSEN: You have no reason to even suspect that Mr. Earl Sheppard brought any influence to bear with regard to any of those appointments.

Mr. DRYER: I did not say that.

Mr. NIELSEN: Well, do you know?

Mr. DRYER: Well, he represented the International. The S.I.U. of Canada appointed one man to the committee, and it would surprise me very much if he had nothing to do with that. I would imagine they would discuss it with him. That is the normal arrangement with any union where there is an International officer around. When this is the case the local people take advantage of his advice.

Mr. NIELSEN: Are you aware of any advice given?

Mr. DRYER: No, but I would say it would surprise me if he did not. From my knowledge of trade unions, when there is an International officer in authority they take all their troubles to him. Why not? That is what he is paid for.

Mr. NIELSEN: To what extent do you believe that Mr. Sheppard of the S.I.U. of North America now has influence over the S.I.U. of Canada?

Mr. DRYER: I have no idea.

Mr. NIELSEN: Have you any reason to believe that he exercises any control at all?

Mr. DRYER: Well, if he is still an International officer and still comes up here as a representative of the International I imagine he would have. These sort of things flow from the very nature of trade unions. But, my opinion in this connection is worth no more than, say, the elevator operator's opinion. I am not speaking of my knowledge as a trustee; I am speaking of my knowledge of how trade unions operate.

(Translation)

Mr. ÉMARD: Could you tell me whether, in Canada, the constitution of the S.I.U. is very different from that in the United States? Have you had an opportunity to find out?

(Text)

Mr. DRYER: Do you mean does the constitution of the S.I.U. of Canada differ from the constitution of the S.I.U. of North America?

Mr. ÉMARD: Yes.

Mr. DRYER: Well, it is a long time since I looked at it and I am unable to answer your question in any detail. I can answer your question generally in order to give the information you want. The S.I.U. of North America is a differ-

ent sort of organization altogether than the S.I.U. of Canada. The S.I.U. of North America, if I may borrow a term from corporate structures, is really a sort of holding company to which various other unions belong. The relationship is not the same in most international unions. The constitution is markedly different because they perform two entirely different functions. But, you would have to take the two of them and read them in order to get the full effect of them. I might say that I have never made a study of them. Mr. Hope made a study and reported to me. I looked at that study. But, Mr. Hope did the work on it.

The CHAIRMAN: Has any member on this side of the room any questions to put on this part?

Mr. BASFORD: Judge Dryer, so far as the trustees are concerned, what is Mr. Bank's role in the S.I.U. of North America?

Mr. DRYER: So far as I have been able to find out, I would say nothing except as a former member of the family. I think some of them feel they have some sort of personal obligation to him. I think they would wish he would disappear.

Mr. GRAY: Mr. Chairman, I wonder if Judge Dryer would identify Mr. Sheppard about whom questions have been put by members of the committee.

Mr. DRYER: He is a vice-president of the S.I.U. of North America.

Mr. WOOLLIAMS: Judge Dryer, you have described the S.I.U. of Canada as being really like to a holding company of the S.I.U. of the United States.

Mr. DRYER: No, the S.I.U. of North America; there are a number of unions that tie into it.

Mr. WOOLLIAMS: What degree of control does the S.I.U. of Canada exercise over the United States S.I.U. or vice-versa.

Mr. DRYER: Are you referring to direct legal control?

Mr. WOOLLIAMS: Yes.

Mr. DRYER: I would say none except in so far as some control may arise from the fact that the S.I.U. of Canada has a charter. Now, you are getting into a very difficult field of trade union law when you try to determine what control a parent body has over an organization which is chartered by it. But, on the face of it, I would say that it has no legal control. The S.I.U. of Canada could do what it wants legally. But, I say that subject to the proviso that there might be something which stems from the fact they have taken a charter. That is, it may be that if the matter came before the courts the courts would hold that having taken a charter you have subjected yourself to certain obligations and you cannot rid yourself of these when you see fit. But, that is a matter to be determined.

Mr. WOOLLIAMS: What I had in mind was that with your knowledge of corporate law and corporate companies, if one is a holding company or something like that, then I think you would go along with me and say that there would be some influence and some exercise of authority of one company over another company, and that the same would hold in the case of one association over another, in respect of the election of officers.

Mr. DRYER: I think that could happen to individuals.

Mr. WOOLLIAMS: That may be true and it may not.

Mr. DRYER: I think any such control would arise as a result of personal conduct rather than anything inherent in the legal structure. We are guessing at the moment.

The CHAIRMAN: Could I interrupt at the moment, Mr. Woolliams because you were not in attendance for a few minutes between 9 and 9.20. After a very pleasant exchange of views, the Chair ruled that all questions pertaining to

elections, if possible, be restricted to the section dealing with elections which I will bring to the attention of the members as the very next order of business in five or ten minutes.

Mr. WOOLLIAMS: I appreciate the ruling, Mr. Chairman, but I am talking about the structure and the rules set up. I am not going into the nature of what happened in the elections. Surely my question is relevant.

The CHAIRMAN: I just wanted you to be under the same handicap or the same advantage as the rest of the members. Go ahead, Mr. Woolliams.

Mr. WOOLLIAMS: In your last answer you said you thought. Have you any knowledge, whether there is any influence exercised by the one S.I.U. over the other S.I.U., if it is a structure like a holding company? Have you any knowledge as a trustee?

Mr. DRYER: I know of none.

The CHAIRMAN: Mr. Brewin, do you have a question?

Mr. BREWIN: Mr. Chairman, there is a reference on page 9 to the understanding between Mr. Hall and the trustees, I take it, and there is a reference to a communique, which is appendix C to the report. In appendix C there is a discussion of the understanding:

The only understanding between Mr. Hall and Mr. Millard is that they both intend to work for the betterment of the Canadian sailor and the members of the S.I.U. of Canada.

A little further down it has reference to Mr. Hall, and says that he, as the international president of the S.I.U., never liked trusteeship and he probably never will but he agreed to work with the trustees as long as they were working in the interest of the members of the S.I.U. of Canada, and that he agreed to try to halt harassment if he could be assured that the trustees intended to preserve the union and act in the interests of the members, and, Mr. Millard agreed to move to restore the union to the constitutional control of its members as soon as possible. Is there any memo or correspondence that set out the nature of this understanding or was it just a sort of oral or gentleman's discussion?

Mr. DRYER: It was made in writing? It was released to the press and was tabled in the House of Commons.

Mr. BREWIN: The communique was?

Mr. DRYER: No, the understanding or the arrangement. The communique was not tabled, but it was distributed to the members of the S.I.U. and to the press.

Mr. BREWIN: The agreement was?

Mr. DRYER: The arrangement was released in writing to the press and was tabled in the House of Commons. I do not remember the date.

Mr. BREWIN: Do you have a copy of it?

Mr. DRYER: I have a copy here, at least my counsel has, but it is in *Hansard*, I believe.

The CHAIRMAN: Perhaps Mr. Millard will lend you his copy if you feel it is imperative that you have it at the present moment.

Mr. BREWIN: I do not know whether the agreement clears up the point, but I was interested in the statement:

Mr. Millard agreed to move to restore the union to the constitutional control of its members as soon as possible.

I wondered what that was implying, what that meant. What steps should be taken?

Mr. DRYER: What steps?

Mr. BREWIN: Yes.

Mr. DRYER: There was a specific implementation of one detail and that was postponed with the agreement of Mr. Hall. It was contemplated at the time the agreement was made that within a short time Mr. Turner would be removed as president and the constitution would then operate with Mr. McLaughlin in. But the release of that information, which became current at the time, cause some public discussion, and it was felt by both Mr. Hall and ourselves that that would be injurious to the union and the job we had to do and Mr. Hall agreed to postpone it, and we did. We postponed it first of all until the middle of July. Then we had another discussion with Mr. Hall and it was decided to leave it until after the election.

Mr. NIELSEN: I want to stick to this line for a moment. Did the arrangement not go one step further, in that after Mr. Turner was removed and Mr. McLaughlin stepped into the position of the presidency, was there not also included in the arrangement with Mr. Hall that Mr. McLaughlin would have to have a spot on that executive?

Mr. DRYER: What executive?

Mr. NIELSEN: On your new slate of officers?

Mr. DRYER: No.

Mr. NIELSEN: Were any members of the S.I.U. led to believe that?

Mr. DRYER: Not to my knowledge, but certainly not by me.

Mr. NIELSEN: Were any members of the S.I.U. led to believe that there was no arrangement whatsoever made with Mr. Hall?

Mr. DRYER: Not to my knowledge and not by me. I do not see how they could when this was all out in the papers.

Mr. BREWIN: Mr. Chairman, on a point of order, I would like to have that memo to see what the agreement was.

The CHAIRMAN: The Clerk will bring it down, Mr. Brewin.

(Translation)

Mr. ÉMARD: Mr. Chairman, does . . .

The CHAIRMAN: One moment, please?

Mr. ÉMARD: Did the S.I.U. constitution in Canada contain certain clauses which gave more extensive powers to Mr. Banks than those which are normally given to presidents of other unions?

(Text)

Mr. DRYER: I do not think that is a question that can be answered with a yes or a no. Most union constitutions give a great deal of power to the president. I have seen union constitutions—and I think an analysis was done on this—which did not show any. I might say this, that we have an expert working on this coming up with recommandations. It is not something of which you can pick some little thing and deal with it. I think the constitution of the S.I.U. is not everything it should be, but then I have never seen a union constitution that was. It is not much different to other union constitutions, making allowance for the problem that they have, that people were away. You have a special problem in the case of sailor constitutions. When you compare it with the English sailor unions or the Swedish sailor unions, there is a great deal more democracy in the Canadian S.I.U. perhaps than you find there. They have specific problems. At first one could say you should do this and you should do that, but when you look into the matter, there are other things to consider. It is a mistake to jump to conclusions too quickly.

(Translation)

Mr. ÉMARD: Do you believe that Mr. Banks overstepped his authority?

(Text)

Mr. DRYER: You say "do I believe." I do know that he did. Now when you say "do I believe", I believe he did in the same way as Mr. Jones on the street believes he did. This is probably what I picked up in the newspaper but, as a trustee, I do not know.

Mr. NIELSEN: On that line, Mr. Chairman, are you aware, Judge Dryer—and I am not asking for your legal opinion here—of any circumstances, since you have been a member of the board of trustees, that might be considered as evidence of criminal activities on the part of Banks while he was there during his tenure?

Mr. DRYER: There again you are getting into the field of what I know from the newspapers. I might say this; that as trustees we did not deliberately set out to find evidence of crime within those areas which had been turned over to the Department of Justice to investigate.

Mr. NIELSEN: I am not asking about that.

Mr. DRYER: We were concerned as to that after we got in and I know of nothing. If I had known of anything I would have laid it before the proper authorities. In other words, if I knew of a crime that had been committed, I would have laid it in front of the committee.

Mr. NIELSEN: Nothing came to your attention at all with respect to the manner in which the union funds were being administered which you would construe as evidence of criminal activities on the part of Banks?

Mr. DRYER: No.

Mr. NIELSEN: Or any other S.I.U. member?

Mr. DRYER: No, I cannot think of any. There has been some allegation lately about Banks stealing \$25,000. Is that what you have in mind?

Mr. NIELSEN: I am asking the question.

Mr. DRYER: Well, I am just trying to identify your question. You asked about a question and I am trying to be specific.

Mr. NIELSEN: Not specific.

Mr. DRYER: I can tell you what I know about it. When we first went into office we directed the unions to send us their balance sheets and things of that nature. It took some time to get them but I would think this would be about November or December, 1963. You would call it a profit and loss account. In the previous year there was an item of \$25,000 paid by the S.I.U. of Canada, I think it was to the S.I.U. of North America and I made inquiries about that. I believe I spoke to Mr. McLaughlin about it and I spoke to our auditors as well. Yes, I spoke to Mr. McLaughlin about it and I think I spoke to Banks about it. The answer I received was that they owed this \$25,000 to the S.I.U. of North America and that they had paid it to them. There was a complication. They owed it, as I recall it, in the sense that they had not paid the per capita. Subsequently I put the question to our accountants and asked if this made sense. They confirmed that that was right. As a matter of fact the balance in per capita was away up for the amount that had been removed. That is what I know about the \$25,000.

Mr. NIELSEN: The matter that we are discussing now, Mr. Chairman, has relation to the S.I.U. of North America. I have other questions which I wish to ask along the same lines but perhaps I might defer them.

The CHAIRMAN: I appreciate that. I have not interfered and therefore I feel duty bound to allow anyone else to carry on.

Mr. WOOLLIAMS: My question is a follow-up. Was Mr. Banks removed because of his activities within the S.I.U. or because he was an undesirable character as painted by Mr. Justice Norris?

Mr. DRYER: Neither.

Mr. WOOLLIAMS: Why was he removed? What was the reason he was removed?

Mr. DRYER: I think this is outside the terms of reference; but I will tell you, so far as I am concerned, why I removed him.

Mr. WOOLLIAMS: I think it is important.

Mr. DRYER: Yes, I know, but I really think it is outside the terms of reference. However, I will tell you why and that is because I became satisfied that we could not have accomplished our objective if he had been there.

Mr. WOOLLIAMS: And what was your objective? What did you have in mind?

Mr. DRYER: To restore democracy to the S.I.U.

The CHAIRMAN: Are there any other questions on this particular section?

Mr. NIELSEN: Mr. A. Hope, I believe, is the executive assistant to the trustees?

Mr. DRYER: He was at one time later executive director.

Mr. NIELSEN: Is he available to be called as a witness?

Mr. DRYER: That is a matter for you gentlemen to consider.

Mr. NIELSEN: I am asking if he is available?

The CHAIRMAN: Do you mean is he physically available?

Mr. NIELSEN: Yes.

The CHAIRMAN: Again I think I would have to entertain argument one way or the other on whether it is in the terms of reference.

Mr. NIELSEN: Then perhaps I had better put this question to you. Do you know of any occasion, Judge Dryer, where Mr. Hope said that you, the trustees, would amend the constitution in any regard in respect of the forthcoming election held last September?

Mr. DRYER: No.

Mr. NIELSEN: If I told you that he had said such a thing what would be your reaction?

Mr. DRYER: I would say that that is an improper question to put to a witness.

Mr. NIELSEN: It opens up, Mr. Chairman, the need to call Mr. Hope. I have another question on Mr. Hope. Do you know of any occasion where Mr. Hope said that whoever won the election would be removed anyway to make room for Mr. McLaughlin.

The CHAIRMAN: Before the Judge answers that question, is that not a little different question?

Mr. NIELSEN: Pardon me. You see, in a court I would not ask it but I must anticipate the possibility of being ruled out of order in calling Mr. Hope.

The CHAIRMAN: I think you have no right to presume that the Chair will rely on the majority. Your question is hearsay in so far as Mr. Hope is concerned. Someone has told you what Mr. Hope said. I have tried to be lenient with you because I feel perhaps I was a little harsh with you earlier. Now I believe I have evened the score.

Mr. NIELSEN: Did you attend the majority of the general meetings in Montreal of the S.I.U.?

Mr. DRYER: No. I have never attended any general meetings of the S.I.U.

Mr. NIELSEN: Did you ever receive any instructions in connection with the operation of the S.I.U. from any member of the government?

Mr. DRYER: What do you mean by instructions?

Mr. NIELSEN: Directions.

Mr. DRYER: No.

Mr. NIELSEN: Have you ever asked for directions from the government as to the operation of the S.I.U.?

Mr. DRYER: No. We have discussed things with them but certainly not on the basis of asking for any directions. If anything, I feel the other way about the matter.

Mr. NIELSEN: Did you discuss with any member of the government the arrangement with Mr. Hall which you described?

Mr. DRYER: Yes.

Mr. NIELSEN: Was any direction received from the government with respect of that arrangement?

Mr. DRYER: No.

Mr. NIELSEN: Was it the Minister of Labour that these discussions were held with?

Mr. DRYER: Yes.

Mr. NIELSEN: Can you say whether the Minister of Labour was in concurrence with this arrangement?

Mr. DRYER: I will answer it by saying no.

Mr. DE GRANDPRÉ: I think it is very unfair.

Mr. DRYER: We did not get directions from the government. I mean it is one thing to discuss with them what we are doing. It is another thing to have them tell us what to do.

Mr. BELL: Just like the wheat board, Mr. Chairman.

Mr. DRYER: And it never reached that stage.

The CHAIRMAN: Are there any other questions, gentlemen?

(Translation)

Mr. ÉMARD: What led you to conclude that Mr. Banks' presence would be harmful to the democratic working of the union?

(Text)

The CHAIRMAN: Again it is a matter of opinion and I was hoping to avoid Judge Dryer's opinions.

Mr. DRYER: I think what you really want to know is this: This is not altogether detrimental to Mr. Banks. I personally—and I am speaking for myself, not for my other trustees—came to the conclusion that Banks loomed so large in the minds of the members of the S.I.U., some of the employers and some of the other union groups, that so long as he was there you would never have now disappeared with Mr. McLaughlin as president?

Mr. MUNRO: I might add politicians to that group.

The CHAIRMAN: If you gentlemen have exhausted that particular subject, we will move on to the next one.

Mr. NIELSEN: I have one question, Mr. Chairman. Judge Dryer, do you feel that all of your fears with regard to the method of operation by Mr. Hall have now disappeared with Mr. McLaughlin as president?

Mr. DRYER: No, no.

The CHAIRMAN: That answers the question. We will now proceed to the section dealing with elections which is in the first portion of the report. I know that although this is a very short section in the report, no doubt it is a very interesting one. Mr. Woolliams, do you have a question?

Mr. WOOLLIAMS: I would like to follow-up with this for a few minutes. Judge Dryer, when you say Banks was removed—and if he had not been removed he probably would still be the president—you said the reason was he seemed so large or he had such an influence that you could never get real democracy. Do you really feel that is the only reason that this disqualified Banks from continuing as president?

Mr. DRYER: Now you are a way outside the field of operation. I went beyond the question of what we did and gave you an answer in respect of why I personally did it. Now you are asking me hypothetical questions and I am not going to go into that subject.

The CHAIRMAN: Would you rephrase your question?

Mr. WOOLLIAMS: I think it is fairly clear, but if the witness—with greatest respect to him—is going to tell us—

The CHAIRMAN: Now—

Mr. WOOLLIAMS: Let us be fair, Mr. Chairman; I would like to put my question. I think it is a very important question. Mr. Banks was removed and Mr. Justice Dryer says he was removed because he did not feel they could ever have a democratic organization, or words to that effect; he was not removed because of his activities in the S.I.U.—I do not think it is denied there were some funny activities; he was not removed because of his undesirable characteristics.

Mr. MUNRO: He did not say that. You are attributing certain remarks to Mr. Justice Dryer which he did not make.

The CHAIRMAN: Perhaps your Chairman was carrying on in a bit of a fool's paradise, because we have made such tremendous progress in the last hour. Perhaps the freedom I have permitted both to the questioners and to the witnesses has been abused in many quarters. However, this freedom in the type of attitude I would like to maintain. Knowing everybody concerned, if I am not too naive, I think this is quite possible. I will decide on points of order and I do not know precisely how much leeway I will permit. I would appreciate it if as much as possible we would not interrupt each other and if, as much as possible, the witnesses stick to the subject matter of the terms of reference which, of course, should not include hearsay remarks which are brought out through questions.

I would ask the co-operation of everyone, and I would ask the hon. member for Bow River to continue.

Mr. WOOLLIAMS: I have put the question to you and I will repeat it. Was Banks removed because of any unusual activity on his part in the S.I.U., or because he was an undesirable character as painted by Mr. Justice Norris in his report? If I understood your answer correctly, you said that neither was the reason, and that he was removed in order to maintain democracy within the S.I.U. Is that correct?

The CHAIRMAN: Before the witness answers, may I point out that in respect of future questions I do not wish Judge Dryer at any time to be put in the position of having to contradict or substantiate the remarks, decisions or opinions of Judge Norris. This is not the purpose of this inquiry.

Mr. WOOLLIAMS: I was not asking that.

The CHAIRMAN: I merely thought this was the opportune time to say this, because you brought Judge Norris' name into it. You did mention that Judge Norris stated that Banks was an undesirable character. If Judge Dryer is forced to say he is not, then you have a conflict of opinion between two very eminent jurists, and I know you, as do all members, respect the bench.

Mr. WOOLLIAMS: I respect your remarks, but if there is any question in the mind of anyone around this table that Banks was an undesirable

character, I would like to hear it. He was convicted; he escaped and was convicted. Banks was removed. I would like to ask the reason he was removed.

Mr. DRYER: I told you why he was removed. The way you put it the last time you spoke was roughly right; that is roughly the nature of the answer given to the gentleman on your left, in respect of why he was removed by the Board. Then I was asked a further question with regard to why I thought he stood in the way of attaining democracy, and I gave my own personal opinion in respect of that.

Now then, what you are putting to me is, should he have been removed because he has an undesirable character, or should he have been removed because of something else—I forget what it was.

Mr. WOOLLIAMS: Four unusual activity or interference in the S.I.U.

Mr. DRYER: Personally, I would not impose any sanction on any man in respect of specific things like that without having him before me, confronting him with the charge and the evidence, and giving him an opportunity to answer. We never reached that stage with Banks, because we decided ahead of time that he stood in the way of attaining our objective. I am not saying Banks is a desirable character, and I am not saying he is not a desirable character. I am saying that so far as I am concerned, I never made any ruling one way or the other.

Mr. GRAY: But you removed him.

Mr. DRYER: Yes, because we thought he stood in the way of attaining our statutory declaration.

Mr. WOOLLIAMS: Would you elaborate on that?

Mr. DRYER: That is sufficient to explain the situation.

The CHAIRMAN: Are there any other questions along the same line?

Mr. BARNETT: Mr. Chairman, to me it is obvious we are in the realm of dealing with the value of judgment. At this point I would like to comment that as I see it the trustees in the report which we have before us to a considerable extent have outlined to us the various steps which enabled them to reach what to me is a valid judgment. This is recorded on page 8 of the report where they say that on February 19, 1964, the trustees decided the interest of the union and the carrying out of their task required the removal of Mr. Banks. It seems to me that the only question this committee has to decide and perhaps the only point in having this meeting with the trustees is to enable us to assess whether or not the trustees exercised a proper judgment in deciding to remove Mr. Banks.

I, for one, think they came to the proper conclusion when they decided to remove Mr. Banks. If there are any members of this committee who feel they should not have removed Mr. Banks, then perhaps we have a proper area to inquire into further.

Some hon. MEMBERS: Here, here.

Mr. BARNETT: However, unless there are members who feel they should have kept Mr. Banks on as head of the S.I.U. in Canada, then it seems to me this is an area in which we can accept their report. They removed Mr. Banks and I, as one member of the committee, do not question their wisdom and the desirability of the course of action they pursued on that particular point. If there are members of the committee who feel they should not have removed Mr. Banks, then I would like to hear them.

Mr. WOOLLIAMS: My point of order is that I do not wish to leave any impression that I did not think Mr. Banks should be removed. My friends seemed to have missed the point I am coming to, or they may fear I am coming to another more important point. We have Mr. McLaughlin as the new president and, as described in the Norris Commission report, his association—

The CHAIRMAN: Order.

Mr. WOOLLIAMS: —would lead one to the conclusion that the new president might have the same characteristics Mr. Banks had; at least they were close associates.

The CHAIRMAN: You have made your point of order. The Norris report is not a term of reference, and while Judge Norris' opinion is respected with regard to the relationship which may have existed between Banks and McLaughlin, this is not what we are discussing at the moment.

(Translation)

Mr. ÉMARD: Mr. Chairman, with reference to the third paragraph on page 10.

(Text)

The trustees also considered the advisability of seeking amendments to the constitution prior to the election but decided against doing so.

(Translation)

Now I would like to know whether certain proposed changes related to election procedures?

(Text)

The CHAIRMAN: Would you care to answer that?

Mr. DRYER: If you look at the paragraph here, I think you will see we directed our minds to it but did not come up with any conclusions. So, there are no amendments. There were no amendments at that time.

(Translation)

Mr. ÉMARD: I said a proposed change.

(Text)

Mr. DRYER: No. We never reached the stage of drawing proposed amendments.

Mr. DE GRANDPRÉ (*Counsel for the Board of Trustees of the Maritime Transportation Unions*): The last line says "still under review".

(Translation)

Mr. ÉMARD: Changes you had in mind to carry out.

(Text)

Mr. DRYER: We did not have any in mind. We had in mind the question of whether we should make any recommendation. We did not reach the stage of making amendments. Look at the last line:

—the desirability of amendments, if any, is still under review—

(Translation)

Mr. ÉMARD: Were you satisfied that the constitution as it existed made the holding of an absolutely honest election possible?

(Text)

Mr. DRYER: I do not like that word "absolutely". I do not know whether you can hold absolutely honest elections anywhere.

The CHAIRMAN: Would you like to remove the word "absolutely" and ask the witness whether in his opinion the existing constitution was sufficient?

(Translation)

Mr. ÉMARD: Certainly, that may be embarrassing.

(Text)

Mr. DRYER: I think, as union elections go, you can carry on reasonably honest elections under the S.I.U. constitution. In any union constitution I would like to see some provision for separate control of ballot boxes, and that sort of thing, which we endeavoured to set up here, but very few unions have anything like that. It is not a bad constitution in respect of elections, but I do not say it cannot be improved. However, you cannot look at a constitution, take paragraph 1 and say we will amend it and then take paragraph 14 on the next page and amend that. This is what happens in respect of many union constitutions, and after 10 or 15 years the thing needs to be revised completely. To my mind it would have been inappropriate for us to go at it in that way. The only way to do it is to consider the constitution as a whole.

Mr. BREWIN: Mr. Chairman, at one time somebody suggested to me that the elections were prematurely held so far as the constitution is concerned. I would like to obtain the facts on that. The constitution of the S.I.U. provides for election at regular intervals. When was the last election of the S.I.U. held and was there any check on the date of the election, and, if not, why not?

Mr. DRYER: So far as I know there was no check. All I can tell you is that the staff looked into this specifically and according to the information they gave me the election had to take place at that time. We obtained an opinion from our solicitor. This is in paragraph 2 on page 10.

Mr. BREWIN: Then, in fact, there was no delay; the election was held at the time prescribed by the constitution.

Mr. DRYER: So far as we know, yes.

The CHAIRMAN: Are there any further questions?

Mr. NIELSEN: On what?

The CHAIRMAN: On what we are discussing which is the section on elections.

Mr. WOOLLIAMS: I would not use the word "absolute", but if we get as much honest, as we can in elections, we get some aspect of honesty. Banks was removed because you felt you could not get the kind of democracy which would be desirable within the union. If that was the reason he was dismissed, do you feel the new president is giving the kind of democracy which is desirable in that union?

Mr. DRYER: As of the time I had left the trustees, the trustees had not found that McLaughlin stood in the way of the attaining of their objective.

Mr. WOOLLIAMS: May I follow up on that point. I feel that if I had been a trustee, Banks would have been dismissed for other reasons. However, you gentlemen have your reasons for doing it and I am taking what you say. What did Mr. Banks do which stood in the way of democracy so far as the union was concerned, and what changes have taken place in that regard in so far as Mr. McLaughlin is concerned? There must be a change or you would have him dismissed. If you dismissed Banks for that reason, McLaughlin must be somewhat better.

Mr. DRYER: During our tenure of office, Banks did nothing.

Mr. WOOLLIAMS: I did not catch that.

The CHAIRMAN: The witness said that during his tenure of office Mr. Banks did absolutely nothing.

Mr. DRYER: Which stood in the way.

Mr. WOOLLIAMS: Then do I take it that it was his activities in the past which made you come to that conclusion?

Mr. DRYER: No; you are wrong.

Mr. WOOLLIAMS: Is there a difference between Mr. McLaughlin and Mr. Banks in the method of running the S.I.U.?

Mr. DRYER: Yes.

The CHAIRMAN: I think this is an important and a very good question. However, perhaps it might be reserved until we reach the area of discussion where we actually will be discussing the S.I.U. as it is constituted today, and whether or not it is functioning constitutionally.

Mr. WOOLLIAMS: With the greatest respect, I cannot see why it is out of order.

The CHAIRMAN: I did not say it is out of order.

Mr. WOOLLIAMS: I would like the answer.

Mr. DRYER: So far as I was concerned personally, it was really what Banks was rather than what he did.

Mr. WOOLLIAMS: What was he?

Mr. DRYER: Banks was Mr. S.I.U. to too many people.

Mr. GREENE: Don't you know?

Mr. WOOLLIAMS: I know, but I want to find out from the trustees.

The CHAIRMAN: Are there any further questions?

Mr. NIELSEN: On elections there are.

Mr. WOOLLIAMS: The Liberals brought him to this country.

The CHAIRMAN: Let us get back on the rails.

Mr. BARNETT: Mr. Chairman, questions have been asked concerning the provisions of the constitution of the S.I.U. with particular reference to the holding of elections. I am wondering whether or not the trustees could make available for inclusion in our Minutes of Proceedings and Evidence as an appendix, a copy of the current S.I.U. constitution. I think this would enable us to have a factual reference to the questions asked in connection with the relationship between the constitution of the S.I.U. and the decisions that were made about the holding of an election and the manner in which the election was conducted.

The CHAIRMAN: The Chair certainly would entertain a motion to the effect that the constitution of the S.I.U. be included in the Minutes of Proceedings and Evidence as an appendix.

Mr. BARNETT: I so move.

Mr. MARTIN (Timmins): I second the motion.

Mr. NIELSEN: Are we referring to the constitution that was in force at the time of the holding of the elections?

The CHAIRMAN: Is it the constitution adopted by the membership in January, 1954, amended in November, 1956, amended in September, 1958, and amended in June, 1961.

Mr. NIELSEN: Might we have the assurance of the witness that that is the constitution which was in force at the time of the holding of the election?

Mr. DRYER: I do not know. Is it?

Mr. LIPPE: Yes.

The CHAIRMAN: Excuse me. There is a motion before the committee, moved by Mr. Barnett, and seconded by Mr. Martin, that a copy of this constitution be attached to our Minutes of Proceedings and Evidence for today.

All in favour?

Mr. BASFORD: Just a moment.

Mr. CHARLES H. MILLARD (Trustee, Board of Trustees of the Maritime Transportation Unions): Mr. Chairman, you will notice in the report it says:

The statute does not name the union in which the democratic processes have been avoided or undermined, but presumably it refers to the S.I.U. of Canada.

I am wondering why we are concentrating all our effort and attention on the S.I.U. There were five unions put under the trusteeship. It seems to me, in relation to the present motion, if you are going to have one constitution, perhaps you should have all the unions' constitutions so that they may be compared.

The CHAIRMAN: That is a very valid point.

Mr. GREENE: With a good deal of respect for Mr. Millard, I think it is up to the members of the committee to decide what documents they wish to have produced here.

The CHAIRMAN: I think the point made by Mr. Millard is well taken. Perhaps some of the members are a little rusty in respect of the terms of reference on which the trusteeship was set up, and therefore we have been concentrating on the S.I.U. However, Mr. Millard has brought to our attention the very important point that there are other unions involved in this.

Mr. MARTIN (Timmins): I think there might be an advantage in having these various constitutions so that we might compare them to see whether or not any inconsistency exists.

Mr. DRYER: If you will look at page 16 of the report you will see that the trustees realize that some amendments to the constitution of the S.I.U. of Canada and the other unions may be desirable.

Mr. BARNETT: If it is agreeable to the committee, I would be quite willing to expand the terms of my motion to cover the other constitutions.

The CHAIRMAN: It may not be possible to attach all of them to today's Minutes of Proceedings and Evidence for the reason they may not be available today. Would you reword your motion perhaps to say that the constitution of all the unions involved be placed at the disposal of the committee, either in the form of an appendix to our proceedings, or in some other form?

While Mr. Barnett is preparing his motion I might remind the members that there is another meeting scheduled for 3.30 p.m. or after the orders of the day, which could be as late as 4 o'clock. With the indulgence of the members of the committee I would hope that we possibly could sit after the supper hour. That permission was granted to the committee last week. We must bear in mind that Judge Dryer has no alternative but to return to Vancouver some time this evening. It is imperative that he returns. We were made aware of this previously. The committee was advised by Judge Dryer earlier that under normal circumstances he would require one or two weeks notice because of his schedule out west. Perhaps we should take complete advantage of his presence to have as many meetings as possible today. I will not ask members of the committee to reach a conclusion about sitting this evening until later on today. But, you might give the matter some consideration in the meantime. We could sit at 8 o'clock this evening unless we have to attend the house for votes. But, as I say, we can give this matter further consideration later on today.

(*Translation*)

Mr. ÉMARD: Mr. Chairman, a short time ago, I asked for a copy of the collective agreement to be produced and you stated that it was inadmissible. I don't see why a copy of the collective agreement could not be produced if you produce a copy of the constitution.

The CHAIRMAN: I did not say that it was inadmissible: I said at that time that I would prefer you to wait until later in the sitting. If you insist on our producing this agreement, naturally we shall do so.

Mr. GRAY: At this time, Mr. Chairman, we are discussing elections and the relationship between elections and the S.I.U. constitution and the constitutions of other unions. That is the difference.

(Text)

Mr. DRYER: Mr. Chairman, may I say something here. Trusteeship, all right; but these unions and the employers have to carry on their normal business. Is it a good idea to require them to make their collective agreements public? I know it is for you to decide, but I would urge you not to do that. It is merely a matter of the principle involved.

Mr. GREENE: Are union contracts public documents in any event?

Mr. DRYER: They are filed with the labour relations board but are not available to third persons, as far as I know.

Mr. GREENE: Perhaps someone could give us some assistance in this connection. If they are not already a public document Judge Dryer's point is well taken. If they are part of internal management I do not see any reason we should make them public.

Mr. DRYER: If they are public documents I suggest the proper way to do it is to get them from that public department and then we cannot be accused of doing something wrong. If I were here as counsel rather than in the capacity I am here I would suggest that this procedure be taken, if it is your wish to have these agreements.

Mr. REGAN: Mr. Chairman, from my experience in these matters I have found that constitutions have been much more reserved from public scrutiny by unions than selective agreements. It has been customary to distribute to each member of the union a copy of the collective agreement. Therefore, it would become quite available to the public and everyone concerned. So, it would appear to me there would be little objection to having the collective agreements made available, if there is any purpose to be served in doing so.

The CHAIRMAN: That is the very point; if any purpose was to be served it then would be up to Mr. Émard later to state precisely what his purpose is. In the meantime, I will instruct the clerk to find out specifically if these documents are available by any means other than the trustees tabling them.

I would remind the committee now that we have a motion before us by Mr. Barnett, seconded by Mr. Martin, that copies of the constitution of the unions under the jurisdiction of the board of maritime trustees be appended to the proceedings of this committee. All those in favour? All those against?

I declare the motion carried unanimously.

I refer you back to page 10, which is where we were at the time the motion was made by Mr. Barnett. You will recall that these requests stemmed from some discussion of that page.

Are there any further questions on this section?

Mr. BELL: Mr. Chairman, I would like to put a question to Judge Dryer on paragraph 4. In paragraph 4 at page 10, with respect to the constitution, you mentioned that potential candidates should have sea time or an equivalent time as an employee of the union in the eight months immediately prior to the election. Then you point out the desirability of having the candidate at sea rather than on the beach and available for union activity. Then you further add that this has to be weighed. You were satisfied there were not abuses in this case. I would like to ask specifically if the candidates in the election were ones who had been connected with the union or had some been at sea? Could you give us the details.

Mr. DRYER: When you have a provision like this it is bound to favour the incumbent. I do not mind saying that my first reaction was against it. But, after seeing some of the other problems, and after listening, particularly to Dean Carrothers of the University of Western Ontario, I must say frankly that my mind is not just made up on it. There are two things here. If you go one way you get one evil and if you go the other way you get another evil. It is difficult to say what is right and what is wrong.

Mr. BELL: I would like to ask specifically if in this election most of the candidates were ones who had been on the beach or were they ones who had sea time?

Mr. DRYER: A person who is an officer of a union is not on the beach. No union will go for that idea. A person who is on the beach is a person who is neither an officer nor an employee of the union, nor at sea. I could not tell you offhand the number but a lot who ran were officers of the union, and some of those who ran on the so called opposition slate were officers of the union and had been officers of the union. But, that is not quite the problem here. In order to do away with this disadvantage to the officers you may let in some very undesirable people. There may be an answer to it but it requires a little thought.

Mr. BELL: I do appreciate the differentiation you have made but could I ask if any of the candidates had sea time in the way it is set out in the constitution?

Mr. DRYER: I do not know.

Mr. BELL: But you did make the case that you did not feel that this was being used to advantage.

Mr. DRYER: What we have in mind there is this. Given such a provision, if the officers have control of the hiring halls the improper use of same could stop a man from getting his sea time. That was not done, so far as we know, because of our people being in the halls and watching this. But you are going behind the constitution into the field of the operation itself.

Mr. REGAN: I have a supplementary question. Is there not this disadvantage to these provisions in the constitution, that for practical purposes these people who are away at sea have little opportunity to prepare for an election and to become sufficiently well known, and those who are in the position of being employees in the union ashore and, therefore, eligible, are in the position that if they run for office and are defeated they must forfeit their job after being defeated.

Mr. DRYER: That is correct. That is one of the great problems of sailors' unions. But, we have not as much of a problem in this union as you have in some others because so many of the fellows in this union are operating close to shore. You have the situation in Great Britain and in Sweden where the majority of their members are away for months on end, and it is even worse in this situation.

Mr. REGAN: Would it not be a worth while change in the constitution to provide that employees of the union who are shore based could run for office and if defeated not forfeit their position?

Mr. DRYER: Well, that is a matter to be considered.

The CHAIRMAN: I have Mr. Lachance next, followed by Mr. Martin and Mr. Greene.

Mr. DRYER: In that connection, any ideas would be gratefully accepted.

The CHAIRMAN: You will get lots of ideas before this committee is over.

Mr. LACHANCE: Mr. Chairman, I prefer to put my question in French.

The CHAIRMAN: Yes, proceed.

(Translation)

Mr. LACHANCE: Mr. Justice, now that the S.I.U. constitutions have been annexed to the present report, are you in a position to tell us whether, in the S.I.U. constitution, there is mention of any affiliation with the American S.I.U.

(Text)

Mr. DRYER: I think there is. We checked into that at one time. The question is whether in the S.I.U. of North America constitution there is anything

that provides for affiliation between the S.I.U. of Canada and the S.I.U. of North America, and my recollection is that we checked into it and there was.

(Translation)

Mr. LACHANCE: Now, this is a preliminary question; Mr. Chairman, is it a fact that the president or any other officer automatically becomes a vice-president of the American S.I.U., that is, does the president of the S.I.U. of Canada become a vice-president of the S.I.U. of America?

(Text)

Mr. DRYER: I think not.

(Translation)

Mr. LACHANCE: The reason I ask this question, Mr. Chairman, is that it seems to me that we have heard it suggested at one time that Mr. Banks was a vice-president of the American S.I.U. Did the new president, Mr. McLaughlin, on becoming the new president also become a vice-president of the American S.I.U.?

(Text)

Mr. DRYER: Not during my term of office. He may have become so since. I am informed he is now.

The CHAIRMAN: It is an automatic appointment. It is an appointment made not through any clause of the constitution but by the will and pleasure of the North America Organization.

(Translation)

Mr. LACHANCE: Is Mr. McLaughlin a vice-president now?

(Text)

Mr. DRYER: Yes.

Mr. MARTIN (Timmins): The difficulties expressed and outlined in the fourth paragraph points a finger at the difficulties encountered by this union over the years. My understanding is that Mr. Banks was brought in to get rid of the communist element, then we brought in the trustees to get rid of Mr. Banks, and now we have to find some way of getting rid of the trustees.

Mr. DRYER: I would be prepared to help in that connection.

The CHAIRMAN: Thank you; your comments are appreciated.

Mr. GREENE: Judge Dryer, in the report you referred to the election of the S.I.U. specifically; were there elections in the other unions under trusteeship?

Mr. DRYER: Yes, there was. But I think it took effect after I left.

Mr. GREENE: Any other elections were subsequent to your departure, so if we wish to ask questions in regard to those elections we will have to direct them to other trustees.

Mr. DRYER: When I got back to Montreal yesterday I was advised of some election in the C.M.U., I think it was, but that is all I know.

Mr. GREENE: Are there any points that are noteworthy in respect of the difference in rules and so forth of S.I.U. elections compared to the four other unions under the trusteeship which would lead us to believe that the S.I.U. is more or less democratic in their elections than is the case in the other four unions?

Mr. DRYER: I cannot answer that; I do not remember. I know at one time our staff prepared a comparison of the constitutions. This was not in any formal form. I know we discussed it, but I do not know precisely what the conclusions were at that time. That is, I do not remember now what the difference was. I do know I did not at any time come to a conclusion that there should

be changes made now in respect of a specific section. Judgment has to be used in these cases, and I felt it would be better to do the whole thing at once. You do have to go out and sell the members of these things and, if you are not careful, you can make yourself look ridiculous. If, for instance, you go out and sell them on paragraph 3 and then later sell them on paragraph 7, and when you get around to selling them on paragraph 10 you might find out you were wrong in respect of paragraph 3 and that you should have kept in mind what you were going to do with paragraph 10 when you amended paragraph 3. You can soon get yourself into a position where they will not pay any attention to you. The sensible thing to do is to leave it until you can make a recommendation on the whole thing, and that is what we decided to do.

Mr. GREENE: In these discussions as to the possibility of amendment was the S.I.U. constitution singled out as being in any way different from or less democratic than that of the unions?

Mr. DRYER: No. But, the problem was this; the statute, as I say, refers to a breakdown of democratic processes in a union, not in the unions. Now we decided that they were most likely referring to the S.I.U., so naturally our mind would be directed to the question of democracy in the S.I.U. One of the factors that you would take into account in considering whether there is democracy in the S.I.U. is the constitution of the S.I.U. In considering the question of democracy our mind is directed to the constitution of the S.I.U. Our mind was not so directed in respect of the other unions, although we were given, in respect of all the unions, the same power in relation to constitutions as we were given in respect of the S.I.U.; that is the power to advise and recommend to the members of the maritime union, changes and so on. That specifically limits, if you like, what we can do. It changes the method by which we must try and do this.

Mr. GREENE: Judge Dryer, are there specific provisions in the S.I.U. constitution which facilitate voting or running for office with respect to those members who are at sea when an election is called?

Mr. DRYER: As in most sailor unions, the election takes place over a period of time, a longer period of time than in most unions. Presumably that is to enable the ships to get to port. Also there are provisions again, as in most sailor unions, to have the ballot boxes taken aboard ship. You find this sort of thing in one form or another. As near as I have been able to find out, you find something like that in the election set-up of anymaritime union.

Mr. GREENE: Did the S.I.U. constitution, with respect to elections, appear to be any more restrictive generally in this regard than that of other unions?

Mr. DRYER: No.

Mr. GREENE: Thank you.

The CHAIRMAN: Mr. Nielsen, do you have a question?

Mr. NIELSEN: Mr. Chairman, I wonder if I might suggest that the committee consider my motion at this stage. I pointed out when I made the motion that some short time at least should be allowed for an examination of the ballots so that intelligent questions could be put to Judge Dryer and the other witnesses. I would suggest that perhaps you might wish to consider this at this time.

The CHAIRMAN: I appreciate the hon. member's bowing to my earlier decision. It is quite in order to raise the question at this particular part of the proceedings and I would appreciate any advice that members of the committee may tender. I am overwhelmed at the response. I have to try and see in what order it was raised. I understand that Mr. Munro, Mr. Brewin, Mr. Basford, Mr. Gray and Mr. Greene, in that order, have indicated their desire to advise the Chair. I would ask each and every one of you to be as brief as possible without, of course, restricting your remarks in getting at any important points.

Mr. MUNRO: Could we have the motion?

The CHAIRMAN: I will reread the motion, so that we all know what we are discussing. It was moved by Mr. Nielsen, seconded by Mr. Starr, that the ballots of the last election of the S.I.U. officers, executives or officials be produced to this committee forthwith. That is the motion that is now before us.

Mr. MARTIN (Timmins): On a point of information, are they available?

The CHAIRMAN: We have never had to determine this, although Mr. Nielsen did assure us that they were available.

Mr. NIELSEN: No. I said I had reason to believe that they were.

The CHAIRMAN: Those are the exact words, that he had reason to believe that those ballots were in bond somewhere and available if circumstances demanded them.

Mr. NIELSEN: Judge Dryer should know whether they are available or not.

Mr. DRYER: Why should I know?

Mr. NIELSEN: Or someone should know.

Mr. DRYER: The ballots were not disposed of until after December 15.

The CHAIRMAN: When and if the committee feel it desirable that the ballots be available, the committee will find out if they are available. In the meantime there is no use wasting time.

Mr. LACHANCE: We should know before.

Mr. MARTIN (Timmins): I think this would be a futile discussion if we finally decided to produce them and they were not available.

The CHAIRMAN: I have to agree with you.

Mr. DE GRANDPRÉ: They are available in Montreal.

The CHAIRMAN: They are still in existence.

Mr. MUNRO: Mr. Chairman, before making my comments on the motion, I wonder if you would permit me to ask Mr. Justice Dryer a question or two?

The CHAIRMAN: Surely.

Mr. MUNRO: Mr. Dryer, I came in a little late but I understood at the tail end of your evidence, with respect to this question of ballots that there was some reference made by you to the effect that at the time the vote was taken you were of the opinion that there were no great irregularities with respect to voting.

Mr. DRYER: There was no irregularity that I know of.

Mr. MUNRO: If I might pursue that a little further, with respect to yourself and the other trustees, what actions were taken by yourselves to ensure that this vote was taken in a proper fashion?

Mr. DRYER: Well, some months have gone by since this was done. This started out in July and August and my recollection may be a little bit hazy, but generally speaking, first of all we asked to have this committee appointed with the idea that they would supervise the matter. On the question of picking up the ballots, we appointed people to our staff and each ballot box was in the care of a representative of the S.I.U. and a representative of our staff. So, they were not able to get into the hands of anyone else. At the close of each day those ballots were taken to the local branch of the Royal Bank of Canada and were transmitted by the Royal Bank to Montreal and then they were opened and counted, as I recall it, and someone can correct me if I am wrong on this, by several committees of three, being a representative of the S.I.U., and a representative of the trustees and a representative of the elections committee, and they were tallied in that way. Now I do not know—maybe you can defeat any system—but the system seemed to be perfectly proper to me.

Mr. MUNRO: Mr. Chairman, in view of the evidence of the chairman of the trustees, and it can be inferred that the other trustees agree with him, he is taking the responsibility for the proper conduct of this election and he is stating in evidence that no irregularities took place.

Mr. NIELSEN: That he knew of.

Mr. DRYER: That is correct.

Mr. MUNRO: And he also indicated that certain safeguards were implemented to ensure that a proper election took place. I submit that the motion is entirely out of order. We can look at the terms of reference of this committee and I think they are worth repeating:

That the standing committee on industrial relations be empowered to hear and to examine the members of the board of trustees of the maritime transportation unions concerning the acts performed and the facts found in carrying out the duties entrusted to them by the Maritime Transportation Unions Trustees Act and to report to the house from time to time.

Now, this is the function. We only have power under the terms of reference to examine these particular trustees with respect to the conduct of their trusteeship. We have heard evidence now under oath that this election was conducted in a proper fashion and I do not think there are any powers in the terms of reference to go any further or to call any other officials with respect to how this election was conducted or anything else, to verify the manner in which this election was conducted. We only have the trustees before us and we only have power to examine the trustees with respect to this matter. If there was any suggestion that the ambit of the committee should have been wider to allow us to go into all sorts of other matters, all sorts of other activities of the trusteeship by questioning other officials acting under their authority, it would be in the terms of reference. I cannot understand, when I think of certain statements that have been made here today, why there was no official objection taken by them in the house when the terms of reference were agreed to, as I understood it and as I recall it, unanimously.

Mr. NIELSEN: There were some against. On a point of privilege, because the matter is on record, there were four members in the house that voted against this bill and I was one of them.

Mr. BASFORD: On a point of privilege, Mr. Munro was not referring to a vote on the bill. He was referring to a vote establishing this committee on the terms of reference which was unanimous.

Mr. WOOLLIAMS: Of course, I was paired with the Chairman.

Mr. MUNRO: It was unanimous. I think that we are well advised to adopt the terms of reference that have been stated because there has to be certain guarantees in a matter of this kind. We expressed all sorts of concern when the trustees were appointed that there would not be political interference in the proper discharge of their function, and this concern was expressed in the house at the time the trusteeship was brought into operation. If we are going to exceed the ambit of the reference it is going to open up areas where I suspect that proper defence would not be available. I think it would open up areas where implications and innuendoes can be made in which we have no power to hear the other side; we have no power to call other witnesses to defend their reputation with respect to the conduct of any matter. Therefore, I think it is incumbent upon us to stick precisely to the terms of reference.

The CHAIRMAN: Just to review, gentlemen, what has taken place, the Chair has asked for some help and guidance. You see, I am working under the tremendous disadvantage of not being a member of the legal profession so I approach all these problems very objectively. I am always conscious, when I

sit in the House of Commons, of the tremendous pool of legal talent that is available to the Speaker of the house, and I am in precisely that position. I appreciate the free advice which I am receiving—it is a very rare privilege to receive free advice from lawyers!—so intend to listen for another few minutes.

Mr. GREENE: On a point of information, are we discussing the question of whether the motion is in order or are we discussing the question of the merits of the motion itself, Mr. Chairman?

The CHAIRMAN: I would have to say that in so far as I am concerned at the moment, there are two factors. One, being an old labour man, I am hoping perhaps that the arguments which are advanced at this moment will, of course, impress not only the Chairman but also the very objective member for the Yukon. The other possibility is that after listening to the pros and cons of the election, he may deem it advisable to withdraw his motion. If he does not withdraw his motion then I am in a position of having to rule on it. Before I rule on whether or not the motion is advisable or in order, I will still insist on a little more help and guidance from the members.

Mr. BREWIN: Mr. Chairman, I will try to give you a little guidance, if I may. I urge you not to accept the point of order made by Mr. Munro for this reason; it seems to me we should not unduly limit the terms of reference. I think that the trustees have said that they supervised or took an interest in this particular vote. Therefore, presumably the ballots may still be available to them. For this reason, I think the motion is in order.

However, I want to say if the motion is put, I intend to vote against it at present because I have not heard enough to show that the vote was irregular. I have not heard that anything the trustees did in this connection would be in the least assisted by our looking at the ballots. I do not think it is a function of this committee to review this particular election any more than any other election that has taken place. The board was appointed to look after it. I hope we will reject the motion, unless Mr. Nielsen—and maybe I did not hear him because I was a little late—has some knowledge of irregularity or impropriety. I intend to vote against this motion unless some better argument turns up than I have heard. However, I would urge you not to accept the narrow argument which Mr. Munro has presented to us. If there is in the possession of the trustees something that in fact would enable us to judge both the past performance and perhaps some future recommendations—if other votes should be projected—I do not think we are limited to the terms of reference. I think we should exercise our own judgment and restraint on matters which have relevance and force.

The CHAIRMAN: Thank you, Mr. Brewin. I may ask you a question so that I have your opinion concisely. You feel that the Chair and the committee should determine whether there were any irregularities. If we feel there were we can discuss the matter, before we get into the question of whether or not we should bring forth those ballots; that is a matter of judgment for this committee.

Mr. Basford is next.

Mr. BASFORD: I take it from what you said that you are accepting remarks not only on the point of order but also on the merits of the reference.

The CHAIRMAN: That is right.

Mr. BASFORD: I would support what Mr. Munro said on the point of order. I would not elucidate it any further because he commented earlier on the merits of the reference itself. The report of the trustees at page 11, for example, says that they felt that an election pursuant to the constitution would be a desirable exercise in democracy. They are charged under the act to restore democracy to the maritime unions. Surely, without any evidence before this committee,

as Mr. Brewin said, of any irregularities in the election, it would be improper and unwise if this committee demands that the ballots be produced. Surely as an exercise in democracy, when people cast a ballot they have a right to expect that that ballot will be secret. If we are going to produce now to this committee all these ballots, we are going to create a doubt in the minds of the members of the unions, and a doubt in the minds of the seamen of Canada that the election was not properly carried out and that it was not a proper exercise in democracy. I think we would frustrate the purposes of the trustees and frustrate the purposes of the act itself. I would hope that Mr. Nielsen, while voting against the legislation itself, as he pointed out a moment ago, is not opposed to the establishment of democracy in the maritime unions.

The CHAIRMAN: Mr. Gray, you are next.

Mr. GRAY: Mr. Chairman, I will try and be very brief. First of all, I think we should not put you in the position of making a blanket ruling on the application of the terms of reference. I think it would be more appropriate for each question of the application of the terms of reference to be decided as they may come up. I say this with reference to Mr. Brewin's comment on how the reference should be dealt with or interpreted. Having said that, however, I think—this may not happen too often—Mr. Brewin has basically made the points that I wanted to make. That is, while it may be in order to move a motion to produce ballots here, I think, for the reasons given by Mr. Brewin, that there have been no firm allegations or any *prima facie* evidence of irregularity—in fact, the evidence is to the contrary—such a motion should not be supported by the members of this committee.

The CHAIRMAN: Mr. Harley.

Mr. HARLEY: Mr. Chairman, I just want to make one brief point that has already been referred to. Here we are talking about the merits of a resolution. I do not know how we can rule intelligently on discussions when we do not know what the motion refers to. I would like the hon. member to explain it. What is the purpose of his motion? Perhaps he can convince us that it is necessary.

Mr. NIELSEN: It seems to me that the ballots are evidence. If this committee is interested in determining whether or not there have been irregularities in the conduct of the last election, the ballots should be before us. If the committee is not interested in determining whether or not there have been irregularities, then by all means reject the motion. Mr. Justice Dryer has been very frank in saying that to his knowledge there have been none, an answer which I accept completely. However, if this committee wishes to run the risk of their being the possibility of irregularities outside Mr. Justice Dryer's knowledge, and examine the ballots in order to determine this, then that is the direction we will have to take.

The CHAIRMAN: Gentlemen, I would like to remind the committee that there is a Chairman and he would like the remarks directed to the Chair.

Mr. NIELSEN: I may say, Mr. Chairman, that I have been informed by several S.I.U. members of irregularities that took place. The purpose of calling the ballots before this committee is to determine whether or not that information is accurate. I am certainly not vouching for it. It may be completely inaccurate but it interests me whether these allegations that have been made to me are accurate.

The CHAIRMAN: Are you finished, Mr. Harley?

Mr. HARLEY: Yes.

Mr. BYRNE: Mr. Chairman, first I would like to ask you to rule that this motion is out of order and not within our terms of reference. We have been asked to examine the trustees, the acts they have performed and the facts

they have found. We have examined them on their report and we have not asked them to produce evidence that every facet of their report and everything they are saying is correct. It might be different if there were some evidence put before the committee that there were irregularities with regard to the conduct of the election; but Mr. Nielsen merely has said that he has been told there are irregularities. Of course, Mr. Nielsen, I believe, is not too familiar with union activities.

The CHAIRMAN: We have no right to presume Mr. Nielsen is not familiar with union activities. If we would avoid this kind of conclusion, we may be able to maintain a very pleasant atmosphere.

Mr. NIELSEN: The member speaking and I both are members of the same union.

Mr. BYRNE: There are such things as honourary memberships. As a trade unionist I would like to say never at any time have I seen a union election carried out where someone or other who was defeated would not have brought forward that there were irregularities in the election. Therefore, simply for the member to say there were irregularities is not *prima facie* evidence, and I would ask you to rule that this motion is out of order.

The CHAIRMAN: Thank you.

Mr. WOOLLIAMS: First of all, I would like to answer Mr. Munro, who was quite interesting, when he said this could not be included under the terms of reference, although he never referred to the terms of reference.

Mr. MUNRO: I read them.

Mr. WOOLLIAMS: In all seriousness, if you look at appendix A and the letter written under date of September 8, 1964, signed by Mr. Justice Dryer, it seems this would confirm what he said:

This election should be looked upon as an exercise in democracy—

I do not know what he means by that.

—from which it is hoped some lessons will be learned.

This would lead one to draw an inference there were some difficulties.

We hope that the officers present and future will learn something. We hope, even more strongly, that the members will learn that an election can take place within their union with a free and secret ballot.

He refers to free and secret ballots. Then we go on:

We have already learned the identity of certain persons within the union who can be looked to for leadership of whom we previously had no knowledge and we are learning something of their ability, or lack of it, and something of the ability, or lack of it, of others who were previously known to us. We also hope to learn something from this election to assist us in recommending changes in election procedures.

I would assume that Mr. Justice Dryer thought that certain changes in the election procedure should make it more of a democratic vote. We would be able to determine what he had in mind by looking at the ballots in question.

We have asked the elections committee to assist us in preparing such recommendations.

It seems to me, on the strength of that letter, that this is very admissible evidence before this committee, because Mr. Justice Dryer has made certain recommendations and has drawn certain inferences from the election in question. I believe this is within the terms of reference; it is a matter of interpretation. I would not go so far as to say that the terms of reference definitely say the

ballots should or should not be here; but if there was something that was not democratic, there probably is only one way to find out about it, and that is to look at the ballots themselves.

Mr. FAIRWEATHER: I thought Mr. Brewin's point is right; that we really should be discussing the point of order. I do not think this type of policy is unusual at all; that is, to call for persons, papers, and so on, in order to make a decision. I think we should put our attention to the particulars of the case. A good many of the arguments which have been brought up have nothing to do with the point of order. Surely we should not restrict ourselves in this and other areas; if we do not want the ballots, we can vote against the motion, but do not disallow the motion.

The CHAIRMAN: Thank you.

Mr. REGAN: Mr. Chairman, I see much wisdom in what Mr. Brewin said. I think, within strict relevancy, the terms of reference of this committee allow the ancillary power of calling other people, having to do with the trustees themselves. However, speaking on the other aspect of the question, the merits of the motion, I think it must be remembered that many persons sitting at this table had reservations about even having a trusteeship of the unions because of their interest in trade unionism. I think we should keep that in mind when it comes to going beyond the trustees. If Mr. Nielsen, or anyone, had established, from answers given by the trustees, that there had been great irregularities, which I do not think is the case, then we might be in the position of making a case for the bringing in of the ballots. I think it would be very wrong and would be a reflection on the trustees to bring in these ballots. Nothing has transpired which would warrant such a reflection. I think I would be very much against this motion, but I am inclined to think the motion probably is in order.

(*Translation*)

Mr. LACHANCE: Mr. Chairman, at the risk of repeating what has been very well put by the other members, I consider that as of the time when Mr. Justice Dryer and the trustees consider that there have been no irregularities, at least to their knowledge, and I am convinced that they have certainly studied the problem thoroughly and have taken steps for adequate supervision at the time of elections, I believe that as of that time we must accept the word of the trustees. In my opinion, they are entitled to my respect and this is the main reason why the mandate, as far as I can see, does not entitle us to doubt the word of the trustees unless—and here I hark back to the merit of the motion, unless specific facts, and I don't believe I have heard any—specific facts are submitted to the committee. Then, as of the time when there are no specific facts submitted to the committee, I believe the motion is irrelevant.

Now, if specific facts had actually been submitted to the Committee, I would even go so far as to say that these facts should be discussed during other meetings of the Committee since the mandate requires us to study the report of the unions and since the latter tells us that there have been, as far in their opinion, no irregularities. So, I consider the point raised by Mr. Munro and by others is in accordance with the regulation, in addition to the fact that, on the resolution's merit, I don't believe there actually was much evidence in support.

(*Text*)

The CHAIRMAN: Mr. Greene is next.

Mr. GREENE: Mr. Chairman, I would like to point out, first of all, within the ambit of this inquiry, I think the committee wants to glean as much information as possible concerning what has occurred in respect of the trusteeship. On the other hand, I think we must remember this is not an inquiry operating in a vacuum. The trustees are going to continue the management and operation of these unions. In the course of our inquiry, if we do not

establish a due regard for the responsibility of the important job they are doing, then I think we would be embarking on a very dangerous course; that is, we would be interfering with the internal management of the union as carried out by the trustees. If we did that, I think we would render the position of the trustees impossible. Surely, in the public interest it is our duty to see to it that they are permitted to manage the unions as they have been doing. I think all certainly would agree that the operation of the unions has been much more satisfactory than it was before the trusteeship. In our zeal to obtain information, I would hate to think that we would make this management by the trustees impossible because in effect we would have no one to run the maritime unions for us. I think we should bear that in mind. I believe that is why the point of order is so important at this stage. If the trustees brought to our attention the fact that they were dissatisfied with the election, then I think we could have gone back to parliament to ask for authority to deal with the election. If we go into it on our own volition I think it is in our jurisdiction to review the ballots of all unions and not just the S.I.U. We have no indication that these elections were run improperly. Often in this tenuous atmosphere of parliament in which we are involved there is a danger of getting into these areas because we do not observe the rules. With respect I would submit that the rules are quite clear. We are limited by the authority of a motion in the house. Bearing in mind that we well might interfere with the internal management of the unions by the trustees, I think it is possible that we might impair the effective control by the trustees. If we start to make a reference to how they conducted the elections or how they conducted any function of their authority, the trustees well might say that the authority of the original act is now taken away from us and you no longer have confidence in the trustees, and if they walked out we would have no reason to complain if we had insisted in going into these matters beyond the authority parliament has given us.

I would ask members of the committee to bear in mind the over-all importance of this hearing which is to see to it that the management of the unions can be carried on by these trustees without political interference, that they report to us, that in respect of any matters in their report we may have full investigation, but that we do not go beyond that to a point where we may seriously impair their work. I suggest that we abide by the strict rules, namely, to examine the members of the board of trustees in their relationship with the union. If we go beyond that we are opening a very dangerous door in that we would be interfering with the trustees in the operation of the maritime unions.

I would suggest we should support Mr. Munro's point of order and that this motion be ruled out of order. I think it is a very important point that it be ruled out of order.

Mr. MARTIN (Timmins): I must confess, in my experience in the trade unions, that we usually found that too much concern with these fine points was restricting and we pretty well objected to it. I suggest we do not have too much time for this in this committee. On the other hand I do not see any purpose in looking at these ballots. If there were some irregularity, I do not see how that would show up on the ballots. I do not see how we can learn anything from an examination of the ballots. If we interviewed some of the persons who conducted the election, we might learn something concerning specific irregularities which could have happened. However, I see no purpose in examining the ballots.

The CHAIRMAN: Thank you. Gentlemen, I have listened with rapt attention to the argument you have laid in front of me and I was very impressed by the remarks of Mr. Brewin, Mr. Fairweather, Mr. Regan and Mr. Martin. I fully intend to seek the advice of Dr. Ollivier during the lunch hour in respect of the legality of the motion first brought forward by Mr. Nielsen. My

own opinion—and I use the word "opinion" as opposed to decision—is that despite all the learned argument I see no objection to bringing the ballots before this committee. If there is evidence brought before us that there have been irregularities, then I think justice would be served in bringing forward all evidence to support such allegations, including ballots, if necessary. A fundamental point, however, is that unless Mr. Nielsen brings forward some tangible evidence, then we do not have any evidence that there has been any irregularity in the last election.

We are reaching the three hour time limit which I like to think should be imposed on committee meetings. We started at nine o'clock and it is now 12 o'clock. Members have other things to do. I fully intend to discuss the matter further with Dr. Ollivier and perhaps with the steering committee. I would ask Mr. Nielsen at four o'clock to be prepared to advance concrete evidence to the committee to the effect that there has been some irregularity, and then the committee either can support his motion or reject it at that time.

Mr. NIELSEN: Mr. Chairman, before you adjourn, may I say, when you consult with Dr. Ollivier, whether you also will seek his advice in respect of the correctness of calling witnesses other than the trustees who are available to give such evidence as you have described. Whether or not the committee accepts such evidence is its business. This point has to be cleared up.

Mr. MUNRO: Mr. Chairman, on a point of privilege; I think a suggestion was made that there might be some motive on behalf of some of us to hide something here in raising this point of order. I do not want to let that suggestion stand for a moment. I think it would be establishing a dangerous practice to call witnesses other than the trustees, because under our terms of reference we have no power to do so. Therefore, if we bring the ballots it will be meaningless because we cannot call any of the informants Mr. Nielsen is talking about. It is quite clear that we cannot call any of these informants who are alleging irregularities. We can only hear people to whom this power was last delegated by the trustees. Therefore, the whole matter is rather a useless exercise.

The CHAIRMAN: Mr. Munro, I do not wish to interrupt. This is your opinion, and I respect and value it, knowing your experience in labour matters. However, I already have made my ruling and I am going to rely on the good advice of Dr. Ollivier and nothing you or any other member of the committee will say will add anything to the very complete summary you gentlemen were kind enough to place at my disposal.

Mr. MUNRO: On the matter of the suggestion there was something to hide, I think that can be disposed of by saying that if a member of this committee—and I think this is the important point—whether it be Mr. Nielsen or anyone else, has any suggestion of impropriety in respect of elections or otherwise, he should put the suggestion, and particularize it with specifics, and put it to the trustees.

The CHAIRMAN: I already have asked Mr. Nielsen to present any evidence he has at 4 o'clock this afternoon.

Mr. BASFORD: But, Mr. Chairman, Mr. Munro is speaking on a question of privilege.

The CHAIRMAN: Well, Mr. Munro is not objecting, even though you are. My point is simply that you have drawn to my attention something I should have said earlier, that the meeting has been very pleasantly devoid of inferences and innuendos from representatives of all parties that we are trying to hide anything or do anything underhanded. I appreciate and respect the support and co-operation that the members have given me. Yet, five minutes after I declare the meeting adjourned reference is being made to allegations or

inferences that may or may not have been made. I do admit we were a little hard on Mr. Nielsen before you came in but I think we have pretty well evened it up now.

Mr. MUNRO: I am not endeavouring to be hard on Mr. Nielsen. All I am saying is that if there are any such suggestions of impropriety they should be put to the trustees and if they are not in a position to deny them they should be given an opportunity to inform themselves by investigating these allegations, and then come back later and give direct evidence in that connection. If that procedure were followed no suggestion could be made of anyone trying to hide anything.

The CHAIRMAN: I am going to adjourn the meeting until 4 o'clock this afternoon.

Mr. BYRNE: Mr. Chairman, before you adjourn the meeting I would like to raise a question in respect of this afternoon's sitting. Personally, I would like to be near the house in order to participate in any votes that may take place in the committee of the whole. I wonder if it would be practicable to have the meeting held in the centre block.

The CHAIRMAN: Well, I would prefer that, and I know that most other members would. But, this is contingent on one factor, the right of the French members to be heard in their own language; and as long as I am Chairman of this committee we will hold our meetings where the proper facilities are provided. If such facilities are provided in the centre block I would accept the suggestions, if other were agreeable.

Mr. BYRNE: Mr. Chairman, perhaps some of the French members would care to express an opinion in this respect. I am sure they are anxious to participate in any votes that may take place in the committee of the house and, therefore, they would like to be near the house for that purpose.

(Translation)

The CHAIRMAN: Mr. Emard, have you something to say on that subject?

Mr. EMARD: No objections.

The CHAIRMAN: Mr. Lachance.

(Text)

Mr. LACHANCE: I have no objection, Mr. Chairman, as long as we have the use of an interpreter this afternoon, in case we need assistance.

(Translation)

Mr. GRAY: Mr. Chairman, we should have a French interpreter. We were following this procedure previously.

(Text)

The CHAIRMAN: The clerk has reminded me that, first, we have to find out if the room is available and, if it is, we have to ascertain if it has simultaneous translation or if interpreters will be provided; next, we have to find out whether or not the French-speaking members of this committee will waive their undeniable rights to use their official language for this afternoon only. If I can be satisfied on these three points I would be in favour of it.

Mr. LACHANCE: Mr. Chairman, if some efforts could be made to this end I would be pleased; but, if such facilities cannot be provided for this afternoon, I do not mind.

The CHAIRMAN: If you do not receive a notice in the meantime we will meet here again this afternoon at 4 o'clock. If we can make the necessary arrangements to meet in the railway committee room, we will do so.

Mr. WOOLLIAMS: Mr. Chairman, could you raise a point of privilege in the house this afternoon and announce where our meeting will be held.

AFTERNOON SITTING

TUESDAY, March 16, 1965.

The CHAIRMAN: Gentlemen, although we have a quorum we might wait another moment or two for the members coming over. It has been brought to my attention by the gentlemen in charge of simultaneous translation in the corner that in some instances the voices are not coming through quite as well as they would like. Perhaps this is because we are not always aware of the fact that we are expected to speak directly into the microphones. Judge Dryer seems to be the greatest offender at this particular moment, perhaps because he is more relaxed than the rest of us. It is hoped that this afternoon we might help the translation people out.

One other point emphasized is something which I did not notice this morning. It was felt that perhaps the Chairman was not coming through as clear as he should have owing to the fact that there are in certain portions of the recording two or three voices being heard at the same time. This is unbelievable. It poses a problem for the translators who work with this tape to decide which of the four voices is the one they should be translating. So I would ask for the co-operation of the committee this afternoon to try to respect the right of each and every member to be heard, whether his subject matter is popular with you or not. At least give him the courtesy of your attention and also facilitate the work of the translators.

Earlier in the meeting the question of collective labour agreements was brought up and it was felt that perhaps these particular agreements could be placed at the disposal of the committee through some branch of the government. This has been brought to my attention. Collective labour agreements, clause 52(1) of the Industrial Relations and Disputes Investigation Act reads as follows:

Each of the parties to a collective agreement shall forthwith upon its execution file one copy with the minister.

As a matter of policy, collective agreements filed under the above provision are considered confidential documents and are not made public without the written consent of the signatories thereto.

The economics and research branch of the Department of Labour also receives voluntarily collective agreements from employers and unions other than those in federal jurisdiction to which the Industrial Relations and Disputes Investigation Act applies. As a matter of policy, these agreements are also considered as confidential documents and are not released without the written consent of the signatories thereto.

In order to avoid lengthy discussion, when it was requested this morning that these labour agreements be placed at the disposal of the committee, there was no particular reason advanced why we could have these documents. But perhaps in all fairness I might point out to the committee that we should rule that these collective agreements made between unions and their clients should not be made public through this particular committee.

Now, gentlemen, when we adjourned the meeting at 12 o'clock I was left with two particular problems on which to express my opinion. One was whether or not the motion which Mr. Nielsen advanced was in order. I am stumbling for words because I do not have it in front of me. Perhaps there is a copy of it in the records. Second, whether or not if after ruling it in order there was sufficient reason why he should demand or insist that the ballots be brought before us.

I did express the opinion at any rate, at first glance, that I felt the matter was in order; but I did protect myself to the extent that I said I would seek

a legal opinion from Mr. Ollivier. I did precisely that at dinner, and I took the trouble to jot down my findings.

Mr. Ollivier has pointed out to me that according to citation 209 of Beauchesne papers which would normally fall within the provisions of the powers of the standing committee refer basically to what is known as government papers, and that in his opinion the tabling of papers, and ballots pertaining to the S.I.U. would be out of order.

To substantiate his argument he referred to a similar problem which arose concerning the Canadian National Railways in the railway committee when a similar request was made of Mr. Gordon. Despite the fact that the Canadian National Railways had closer relationship to the government as a crown corporation than has the S.I.U., it was felt that such a request was out of order. Mr. Gordon refused to table such papers and the committee did not persist in forcing the chairman's ruling to a vote.

So, in view of that particular evidence, and in view of the discussion which I had with Mr. Ollivier, and what I have been able to find out in Beauchesne, I must rule that the request of the member for the Yukon for the production of the ballots that were used in the last election of the S.I.U. is out of order.

Mr. NIELSEN: Mr. Chairman, I must bow to your ruling of course, but I would point out that we have a vastly different situation in that the Canadian National Railways is a crown corporation, whereas the trustees are a body set up by special act of parliament for specific purposes. If it is deemed that all documents and papers falling into the custody of the trustees would be the property of the trusteeship, or at least those relating to the management or control of the affairs of the S.I.U. within their terms of reference, it would seem to follow that the analogy does not apply at all.

Reluctantly however I must come to the same conclusion that if we are to be precluded from calling for this sort of document, are we to take it that we cannot call for the production of any correspondence passing between one trustee and another, or between one of the trustees and an appointee, or appointees of the trustees, or the collective trustees and such appointees? Are we going to be precluded from calling for, let us say, the report of the elections committee produced for the trustees? Are we going to be precluded from calling for the minority report of the elections committee produced for the trustees? Are we going to be precluded from calling for the production of any memorandum, document, and papers passing between the elections committee and the individual members thereof and the trustees? Because it would seem that all of these documents fall within the same classification, and if we are to be precluded from going into these areas, it would seem to me that we are following a very heedless course of action.

Mr. GRAY: It is my understanding that the rulings made by a committee chairman are not made on hypothetical situations. I think it is your duty to deal with each situation as it arises and not with a vast range of hypothetical situations, no matter how interesting or potentially important they may be.

The CHAIRMAN: It seems to me that the points raised by the hon. member for the Yukon are very valid. I do not want to be the subject of criticism that I, or this committee have any particular incentive to stifle the purpose for which it was set up, and that is to get an accounting basically of how these trustees have carried out their mandate. It seems to me—and on this point I am sure Mr. Nielsen will agree—that there is nobody on trial here. Therefore, if I have been a little free and easy I intend to continue to be so, and I prefer to rule on each and every one of the hypothetical instances brought before us if and when they come before the committee.

Mr. NIELSEN: Well, you might as well commence by establishing a precedent. It is with great reluctance again that I must appeal from your ruling on the motion to produce the ballots.

The CHAIRMAN: You have heard the decision of the Chairman pertaining to the motion that was presented before lunch. You have heard my ruling. I would ask all those in favour of sustaining the Chairman's ruling to vote accordingly.

The CLERK OF THE COMMITTEE: Fourteen.

The CHAIRMAN: Those against?

The CLERK OF THE COMMITTEE: Two.

The CHAIRMAN: The ruling of the Chairman has been sustained. Now, let us carry on from the point where we left off, and that was a discussion of the section of the report which deals with the question of elections.

Mr. NIELSEN: May I ask a few questions, Mr. Chairman? Judge Dryer, was there an election committee set up?

Mr. DRYER: Yes.

Mr. NIELSEN: For what purpose or purposes?

Mr. DRYER: To supervise the election.

Mr. NIELSEN: Was that the only purpose?

Mr. DRYER: I cannot think of another one. I do not know just what the significance is of your question. That is what they were there for.

Mr. NIELSEN: I have to lay the proper groundwork. I suggested, Judge Dryer, that one of the purposes of setting up the elections committee was to study the constitution and assist the trustees and the union in its interpretation. Is that correct?

Mr. DRYER: You probably have the sheet of paper I made up with instructions.

Mr. NIELSEN: I wonder if I could put the questions, Judge Dryer.

Mr. DRYER: I just wanted to save time. I made a list of instructions but I do not have it with me. It is months since I read it.

Mr. NIELSEN: Does anyone in your party have it?

Mr. DRYER: You must have it.

Mr. NIELSEN: I do not know, Judge Dryer, whether I have a copy of the list prepared by you or not.

Mr. DRYER: Read it and if it sounds all right I will tell you.

Mr. NIELSEN: One of the purposes with which you agreed was also as follows: "In areas in which the constitution is silent to propose devices and methods which will contribute to the freedom and fairness of the election".

Mr. DRYER: I would say that is correct.

Mr. NIELSEN: The third one was: "To observe and scrutinize the conduct of the election in all its aspects".

Mr. DRYER: Yes.

Mr. NIELSEN: And was the fourth: "To report at the end of the election and, if they wish, at any time during the election, to the trustees, the department of Labour, the Canadian Labour Congress and the union, their approval or disapproval of the conduct of the election or any part thereof"?

Mr. DRYER: That sounds familiar.

Mr. NIELSEN: And the fifth one is: "To do such other things as may appear to the committee likely to advance those purposes".

Mr. DRYER: I do not remember that but probably I would put a catch-all at the end.

Mr. NIELSEN: Then you would agree that these were the purposes of the elections committee?

Mr. DRYER: Yes. I would say this, that the elections committee, after a discussion with me, asked me if I would write out what they were to do. I drafted a document, and the one you read sounds like it.

There was something else that we asked them to do and I do not recall hearing you read it, but maybe it was included in the second sentence you read. We asked them to let us know after the elections of any suggestions that they thought could be made on the amendment of the constitution. That may have been done verbally.

Mr. NIELSEN: The first term of reference, if we can call it that, which I suggested to you, Judge Dryer, as being one of the instructions of the committee was to study the constitution and assist the trustees and the union in its interpretation. Was that what you were referring to?

Mr. DRYER: No. We said to them, either in writing or verbally: "In the course of this you may come to some conclusions as to how the constitution should be changed, and we would like your ideas".

Mr. NIELSEN: You said that to the committee?

Mr. DRYER: Yes. I would not say that they were all present at the time but I would say Mr. Laberge, Mr. Ainsborough and Mr. Judge were there. I think they were all there.

Mr. NIELSEN: Who were the members of the elections committee?

Mr. DRYER: Mr. Ainsborough, Mr. Laberge...

Mr. NIELSEN: Could you give the complete list of names and the position of those people?

Mr. DRYER: Ainsborough was appointed by the federal government, Laberge was appointed by the Canadian Labour Congress and Judge was an employee of the trustees and was appointed by us. I believe MacArthur was the name of the S.I.U. man.

Mr. NIELSEN: Was Mr. Hope also a member of the committee?

Mr. DRYER: No. Do not look at me like that.

Mr. NIELSEN: I am looking at you inquisitively because I thought he was.

Mr. DRYER: No.

Mr. BYRNE: You hope he was.

Mr. MITCHELL: You could be wrong.

Mr. NIELSEN: Have you any objection to producing the report, if any, from the elections committee to the trustees?

Mr. DRYER: Not a bit.

Mr. NIELSEN: Have you got it with you or has any member of your party got it?

Mr. DRYER: I have not. I think you described this as a report to the trustees. I do not think that is quite right. I think it was a report to the government and to the Canadian Labour Congress. I think we had a copy of what they reported to their principals.

Mr. NIELSEN: It was a committee that was composed of these gentlemen whom you have named, Judge Dryer, charged with making a report, I presume.

Mr. DRYER: No.

Mr. NIELSEN: Were they not required to report?

Mr. DRYER: I would not say they were charged to report.

Mr. NIELSEN: But they did in fact?

Mr. DRYER: You spoke as if they were creatures of ours and reported back to us. That is not right.

Mr. NIELSEN: They did in fact report, did they not?

Mr. DRYER: I saw a copy of the report.

Mr. NIELSEN: I have several other questions, Mr. Chairman.

The CHAIRMAN: They are busy looking through the documents to see if they have this document in their immediate possession. In the meantime you could go on with your questions.

Mr. STARR: I would like to ask a few questions.

The CHAIRMAN: Excuse me, Mr. Starr, but Mr. Brewin had already indicated a desire to ask a question.

Mr. NIELSEN: I have not quite completed my own line of questioning. I would ask Judge Dryer if there was only one report that he saw from the elections committee.

Mr. DRYER: I cannot think of more than one.

I have just been reminded there was a minority report from the S.I.U. representative.

Mr. NIELSEN: That was Mr. MacArthur? Have you a copy of that minority report or has any member of your party? Have you any objection to its production?

Mr. DRYER: It is not for me to say, as it is not mine.

Mr. GREENE: It is not for the witness to decide what he wishes to produce or not to produce. It is for the Chair and this committee to determine what is properly the subject matter within the authority of this inquiry. I think the Chair has ruled previously in this regard that any reports which are in the nature of confidential information between the trustees and the officials of the union or officers of the union, I would submit, are not properly the subject matter of this inquiry. Once we get into that area, we are interfering with the internal management of a union, which I do not think any of us wish to do.

Mr. BARNETT: Mr. Chairman, on a point of order, it certainly seems to me that it is not out of order for any member of this committee to ask a member of the trustees whether they have any objections to supplying us with certain information.

The CHAIRMAN: I agree with you, Mr. Barnett. I would respectfully ask Judge Dryer if he has any objection to the tabling of the majority or minority report when and if we find it.

Mr. DRYER: I have no status to object. It is not my document. I have not got the document.

The CHAIRMAN: Mr. Brewin had indicated a point of order.

Mr. BREWIN: I think you ruled on the point of order, at least I believe you have. It seems to me that these documents, these reports on the election, were prepared. One of the things they were asked to do, Judge Dryer told us, was to make suggestions for future changes in the constitution. We are as interested as the trustees are in developing democratic processes within the union. I cannot for the life of me understand why Mr. Greene, or any other member of the committee, would want us not to have that advantage.

Mr. GREENE: On a point of order of personal privilege, Mr. Chairman, Mr. Greene is just as anxious to see the democratization of the S.I.U. or any other trade union as Mr. Brewin is, but it is not the function of parliament or of this committee to carry out that work; it is the function of the trustees.

The CHAIRMAN: On the other hand, Mr. Greene, I would have to admit that if this committee is to fulfil its function, which is to see to what degree the trustees have carried out the wonderful objective for which they were established, it would be in the best interests of this committee to have, if it is available, the majority and minority reports that do concern the election. I think Mr. Brewin made a very valid point, that these reports were no doubt submitted to recommend improvements in the administration of the election, and one of the committee's functions here, of course, would be to recommend to parliament how we can make the future role of the trustees a little easier.

Mr. WOOLLIAMS: May I speak to this matter?

Mr. DRYER: Perhaps there is a misapprehension here. I think you are running a high temperature over very little. The report that came in did not set out what changes should be made in the constitution. In our initial discussion with the committee, they set out to make certain proposals which were inconsistent with the constitution. When they came in with their final report or with their report they made certain objections to the conduct of the election, based upon the proposition that they did not approve of certain things in the constitution. However, they never reached the stage of saying we think the constitution should be changed here, here or here.

The CHAIRMAN: Mr. Martin has indicated his desire to ask a question.

Mr. MARTIN (Timmis): It seems to me that we are being towed all over the trail in all directions. I followed Mr. Nielsen's questions very closely but I did not understand I do not see that he asked Judge Dryer to produce this document. He asked Judge Dryer whether he had any objection to it being produced.

The CHAIRMAN: Exactly. Judge Dryer has already indicated that he has not.

Mr. WOOLLIAMS: They keep referring to the terms of reference. I think it might be a good time to review what we are here for.

The CHAIRMAN: That is your opinion. I have reviewed it half a dozen times. You are out of order.

Mr. WOOLLIAMS: Surely I can speak in answer to Mr. Greene's point of privilege. If you are going to close us off—

The CHAIRMAN: No, I do not think anyone will accuse me of closing anyone off today. I just want to clear up one item at a time, that is the disposition of the point that was raised by the member for Yukon, whether we can or cannot have copies of the elections report. This is precisely what the member has asked for, and this is what certain people have objected to and what certain people have supported. Personally, unless Judge Dryer or someone representing the trustees can assure me that it is detrimental to the union, which we must protect and which they must protect, as evidenced by the very nature of the term "trustees", then I would be very happy as Chairman to see these reports tabled. This is, of course, contingent on two things: first, their availability and, secondly, whether we would be jeopardizing or hurting the union. If we agree to both these, I would welcome the co-operation on these points from the trustees.

Mr. REGAN: Mr. Chairman, on this point, would it not be of some importance whether this was the document prepared for the trustees or whether it was the document prepared for the unions? I believe the judge made the point that, while he had seen the document, it was not prepared for the trustees; it was prepared for the union. Is this not quite a different matter? You are not asking for the production of a paper that has to do with the trusteeship, but merely for a report that was prepared by a committee for the union. You are getting into papers of the unions themselves.

The CHAIRMAN: I might say one thing here before Judge Dryer answers. The steering committee took this into consideration, and I appreciated the help of Mr. Woolliams and Mr. Starr at the time. It agreed that when we entered into areas that should not be discussed in public and that the trustees felt would be detrimental to the unions to be discussed in public, then the matter could be referred to the steering committee for consideration or to a meeting in camera. If Judge Dryer feels that it would be detrimental to the unions to expose these reports to the public, there is no particular reason why he cannot recognize that these may be discussed in camera instead.

Mr. NIELSEN: Might I respectfully suggest that while the trustees are playing a very important role, and while this committee is charged with inquiring into the manner in which they have conducted themselves in that role, the specific legislation setting up the trusteeship, I believe, set out clearly that the prime purpose was the national public interest of Canada. If I might refer you to section 7, or page 2 of the report, where that is partially set forth, that section directs the trustees to manage and control the unions and do all things necessary or advisable for the return of the management and control of each of the maritime unions to duly elected and responsible officers of such unions at the earliest date consistent with the national and public interests of Canada.

If an election committee was established—and there would appear to have been—that the elections committee reported on the conduct of the election. I strongly suggest to you, sir, that one of the very specifics that have been charged to us under the terms of our reference is to determine whether or not in section 7 of the legislation the trustees have in fact, by the election that was held last September-November, caused duly elected officers to be elected and who now hold office. That word "duly" means a great deal to me.

I think one of the areas that the committee must probe is whether or not there was a due election, whether or not there was a proper election, whether or not the officers who are now holding office are doing so properly within the constitution of the union itself—and all of this in the national and public interest of Canada.

The CHAIRMAN: I respect your opinion because I know there is no inference made that any of these acts have not been carried out. You want to establish whether they have or have not. You have requested that these reports be tabled if possible. Now I am asking Judge Dryer if he has any objection?

Mr. DRYER: I have no objection, but let me emphasize that I have no status to consent or to object; it is not for me to say. If I had the document that you asked for I would give it to you.

Mr. WOOLLIAMS: I join Mr. Nielsen in this regard. We are here to examine the trustees in reference to the acts they perform and the facts found in reference to carrying out their duties. Surely this is one of their acts and one of the facts in reference to the acts. Surely it is relevant. If he does not have the material, then we should go to someone who has the authority to supply that material.

Mr. BYRNE: Mr. Chairman, in the section dealing with elections I find no special reference to the conduct of the election, whether it was completely without any misdemeanors whatsoever, but I find on the last line of page 11 that the trustees say it is their view that the election is one step in a gradual development of a democratic awareness among the members.

Are the trustees satisfied that the elections were carried out in a democratic fashion, or have they any reason to suspect otherwise?

Mr. GREENE: On Mr. Woolliams's point, Mr. Chairman, I think there is a distinction between our interviewing the trustees, as we are authorized to do by parliament, on what they found and sitting here as a sort of court on a controverted and allegedly controverted elections act. I do not think we are here as

a court of appeal to consider whether this election was controverted or not. I think we are merely here to interview the trustees, as our authority says, on what they found.

Mr. BYRNE: That was my question.

Mr. NIELSEN: With great respect, and again intending no inference whatsoever in respect of the manner in which the trustees have discharged their mandate, surely one of the purposes of this parliamentary committee is to determine the very things that Mr. Greene and others are trying so hard not to determine.

If, for instance, the whole election was null, then surely one of the recommendations that we should be considering at the conclusion of our sittings is whether or not new elections be held. That is looking at it in the extreme.

The CHAIRMAN: I have to prod this matter along a little, and I have to point out that for the last half hour we have been discussing elections and the possibility that the election was not valid and authentic, and not properly conducted. I would appreciate, instead of discussing at length whether you want the documents tabled or not, the production of some substantial evidence here. The Chair would appreciate it if you were to produce some substantial evidence that would prove some inferences that have predominated the discussions in the last few minutes.

Mr. NIELSEN: That is what we are trying to do.

The CHAIRMAN: Perhaps, but we can talk from now until five o'clock on whether these papers should be produced. First, we have to determine whether they are available; second, to whom they belong, whether to the trustees or the union; and, third, whether their production is in order or not. The simple way out of the dilemma—and one I hope the committee will appreciate—is to refer the matter to the steering committee or the next in camera sitting of this committee.

I have not seen the documents. I do not know what is in them. I do not know whether their production would be prejudicial to the union; and that is fundamentally what we are interested in. So I am in that dilemma, as you will see.

Judge Dryer says he has no objection to tabling the documents.

Do you want to stop your questions until such time as the documents are tabled? They may not be tabled for a few days. It might take a week to find them. The documents obviously are not here. Are they absolutely necessary to your line of questioning?

Mr. NIELSEN: Not only are they necessary to my line of questioning, Mr. Chairman, they are necessary, in my humble opinion, to enable the committee to come to some sort of intelligent recommendation at the end of our sittings.

The CHAIRMAN: The fact that they are not here may account for some of the lack of intelligence that seems to be permeating this meeting.

If in your view you cannot proceed without the documents, which are not available at this particular time—

Mr. WOOLLIAMS: The documents may be the evidence we are talking about. We do not know what is in the documents. They may be favourable for one fact and unfavourable for another. We do not know without the facts. Without the documents this will be a sham.

The CHAIRMAN: Lack of decorum will be a bigger sham. As long as I am in the chair you will talk to the point, and the point is not your opinion; the point is whether the documents are in hand. The documents are not available at the moment.

Mr. WOOLLIAMS: Will they produce them?

Mr. BREWIN: On a point of order, I think you suggested that the documents should not be produced unless someone is prepared to make some allegations, as Mr. Nielsen mentioned, of some impropriety in these elections. I would like to ask that the documents be produced without making any allegation of any impropriety whatsoever, and for the following reasons. It seems to me that this committee, without criticizing the trustees in any way, should be made aware of any recommendations that might be contained in these reports which suggest that the election process was less than satisfactory.

I understand that very question was put to the committee. Some reports have been made. We have been told there is a minority report. I am not saying there is anything wrong with the way the election was conducted. If there are suggestions, then it seems to me that this committee, representing parliament, should have the advantage of being able to see what their suggestions were and inquire from the experienced trustees whether they think some of these suggestions can be carried out in the future, or how they should be carried out, to ensure a democratic process.

I do not know who is objecting. Mr. Justice Dryer is not objecting. I do not know anyone representing the union here who is objecting. The only objections I have heard are from Mr. Greene, and frankly I do not know what his objection is.

Mr. GREENE: Might I point out that we have not yet found out in the course of examination just what are these reports or to whom they were made. Were they in the nature of confidential communications between the union and the trustees? Are they in their nature quasi public documents? If they are, I would have no objection whatsoever. All I am concerned with is that this committee does not set itself up as running the maritime union, because if it does, then we are in grave danger of upsetting the entire applecart.

So, with the greatest respect, Mr. Chairman, I think if Mr. Nielsen would help the committee by continuing his examination to see what kind of report or document this was, and if other members are given the same privilege, it may be that we would all concur that it would not be prejudicial to the internal management of the trusteeship to produce them. To date, I am not aware what is the nature of these documents, whether they are confidential communications, whether they belong to the union, or whether they are quasi public documents, in which case I think they would be quite properly produced. I suggest if Mr. Nielsen would care to pursue that course of inquiry, he might be of great help to us.

Mr. BARNETT: On this question of order, Mr. Chairman—and I see we are pursuing it at some considerable length—it does seem to me that Mr. Justice Dryer has already answered the question raised by Mr. Greene in stating that he had no objections to this document.

I am basing my remarks on the assumption that if for any reason it was felt by the trustees that the production of these documents would be detrimental to the interest of the union, the answer would have been in the negative.

Quite frankly, I cannot see why we need to argue about it, unless there is a problem because of the fact that Mr. Justice Dryer is the former chairman of the board and does not feel at this point that he can speak on behalf of the present board of trustees in relation to the production.

It is obvious that Judge Dryer has no objection. If this is part of the dilemma we are in, I think it should be clarified. Mr. Justice Dryer has said there are no objections. Later on, I presume we will be talking to the other members of the board of trustees or the current members of the board of trustees. If they say they have no objections, then it seems to me that the report of this elections committee could be put forward for our information and examination.

Mr. DRYER: I want to clear the record here. I said I did not object, but I emphasized that I had no status either to object or consent. It should not be inferred from that that I do not think it would be detrimental. Let me make it quite clear. I think this whole proceeding is detrimental to the interests of the trustees.

Mr. WOOLLIAMS: Yes, but you are here.

Mr. REGAN: On this point, I think pursuant to what the judge has just said, if I may differ from Mr. Barnett, it is not a question of whether the judge has no objection to it being produced. I am sure he would have no objection to the constitution of the Canadian Amateur Hockey Association being produced, but it has nothing to do with our discussions here.

The point Mr. Greene makes, which I think is valid, is that we want to get on with the business of this committee and deal with examining the trustees on the matter on which we are supposed to examine them. Unless it can be shown that there is some very valid reason for producing papers, we can go off at a thousand tangents and never get our task done. That is why Mr. Nielsen must show why these documents are necessary to his line of questioning.

The CHAIRMAN: This completes the cycle that I started some fifteen minutes ago, and I was waiting for someone to complete it. I said to Mr. Nielsen that I would welcome a statement from him showing the committee how these papers were necessary to substantiate the point he was obviously bringing out, and I would ask the hon. member for Yukon to proceed along the lines developed. If he can convince the committee—and probably he can—that the documents are imperative to substantiate his argument, then we will make every attempt to secure the documents.

Mr. NIELSEN: It seems to me that if we are to determine whether or not the officers who are now occupying offices in the S.I.U. have been duly elected, to use the words of the statute, the best means of determining that is to start at the bottom and find out what the elections committee reported on that matter. There was a representative of the trustees on that elections committee. I take it—I may be quite wrong—that one of the responsibilities of that representative of the trustees on the elections committee was to report to the trustees on the operation and function of the elections committee and bring to the attention of the trustees any complaints of irregularities or any confirmations that due process was not being followed in accordance with the constitution in the holding of the elections. All of these matters, I think, are quite relevant.

The report has been made. There has been a minority report. The fact that a minority report has been made in itself should suggest to members of the committee that at least one, namely the union representative on the elections committee, had something to say not in keeping with the other four members. With respect, Judge Dryer said there were three members, but I believe Mr. Hope was also a member of the committee. That in itself should suggest that one member did not feel that the interests of the union were being upheld 100 per cent.

The CHAIRMAN: You have made your point and you have made it several times. Now I am going to make mine. Obviously the documents you feel are so vital are not present here today. I will ask the trustees to procure those documents. They will submit them to the steering committee. The steering committee will decide whether it is in the best interests of the union that these should be produced, and whether this should be discussed in camera or in public.

Mr. NIELSEN: Surely it is, with great respect, the function of this committee to make that type of decision.

The CHAIRMAN: I would beg to differ. This committee cannot make that decision without bringing these documents to the public, and we did agree in the steering committee that all subjects that could prove detrimental to the union would be discussed in camera.

Mr. STARR: There has been no objection from the trustees to their production.

The CHAIRMAN: Mr. Justice Dryer has put me in the unenviable position of having to make the decision by emphasizing that it is not for him to make the decision without going a little further and saying whose decision it should be.

I do not know whether there is anything in those documents that should not, in the best interests of the union, be made public.

Mr. STARR: What does it have to do with the union when it is a minority report of the committee that sets up supervision of the elections?

Mr. NIELSEN: I could bring the whole issue to a head, Mr. Chairman, by moving—and I so move now, seconded by Mr. Starr—that the elections committee report, dated Montreal December 4, 1964, be produced for this committee.

Mr. LACHANCE: On a question of privilege, Mr. Chairman, Mr. Nielsen has just said that in his opinion Mr. Hope was a member of that committee. I, along with all members of this committee, have just heard Mr. Justice Dryer say that Mr. Hope was not a member of that committee. I would like to know who is telling the truth.

Mr. NIELSEN: No, you have misunderstood.

Mrs. RIDEOUT: There was no misunderstanding.

Mr. LACHANCE: I would like Mr. Nielsen to repeat what he said.

The CHAIRMAN: Judge Dryer has established the fact that Mr. Hope is not part of the elections committee.

Mr. LACHANCE: If I understood Mr. Nielsen correctly, he said that Mr. Hope was on the elections committee.

The CHAIRMAN: Mr. Nielsen contradicted the judge. I presume it was unintentional—unless he has evidence to the contrary.

Mr. LACHANCE: This should be clarified.

Mr. NIELSEN: I think perhaps, with great respect, Judge Dryer's memory might be faulty here since it is several months since he saw the report. I can inform the committee that I have seen the report, and Mr. Hope's name is on it as a member of the elections committee.

Mr. DRYER: You must be talking about a document about which I know nothing, because it is absolutely beyond the bounds of possibility that Mr. Hope could ever have been thought by anyone who knew anything about it to be a member of the elections committee. I could not have made a mistake about that.

Mr. NIELSEN: Perhaps one of the other members of the trustees might be able to clarify.

Mr. LIPPE: As far as I know, Mr. Hope was never a member of that committee. This is news to me.

Mr. GREENE: That is exactly the point I made earlier.

Mr. Nielsen may be talking about some secret document that he has obtained down at the Conservative thinkers conference, and we do not even know what he is talking about. I think it should be established what document it is that he wishes to have tabled and how the trustees have received it before we can possibly know whether, in our opinion, it is permissible or not.

Mr. DRYER: There is something else wrong here. The date is December 4. I would doubt very much that that is the document I saw because, if my

memory serves me right, I did not see the document until after I ceased to be chairman. It is possible that it was sitting around in someone else's pocket, but I would think it was about the 16th or 17th or 18th of December when I first saw it. So I would doubt if it is the same piece of paper.

Mr. NIELSEN: Would you agree with me if I were to say that it is a document you should have seen?

Mr. DRYER: Not after the 15th, no; certainly not.

The CHAIRMAN: We have a motion here by Mr. Nielsen, seconded by Mr. Starr, that the report of the election committee, dated Montreal December 4, 1964, be produced for the committee.

Mr. BYRNE: On a question of order—

Mr. GREENE: On a point of order, Mr. Chairman, I wonder if we might be permitted to examine Judge Dryer on the question of what is this report that is in Mr. Nielsen's mind so we can see if there is such a report or if it is his secret document that he has in his innermost file, or whether there is some such document that the trustees have from some source or other?

May we have your ruling on whether it would be permissible to question Judge Dryer on this issue?

Mr. LACHANCE: I would like to know the date of that document.

The CHAIRMAN: I think Judge Dryer a few minutes ago established there was some report.

Mr. DRYER: I saw something.

The CHAIRMAN: It may be that what Mr. Nielsen saw and what Judge Dryer saw may be different matters, and perhaps it would be best to have Mr. Nielsen table his report and it could be compared to the document Judge Dryer saw.

Mr. GREENE: In the meantime, we must take what Judge Dryer saw.

Mr. BREWIN: At the appropriate stage I would like to move an amendment that this motion be referred for report to the steering committee. I think what I have in mind is that the committee could request what reports there are, and ask whether there is any objection by the trustees, then weigh the objection if any, see whether it seem to be detrimental to the union, and report back to this committee. At that time I would be prepared to vote on Mr. Nielsen's motion. I believe the steering committee agreed that some such procedure would be appropriate in a case where someone suggested it might be detrimental to the union.

The CHAIRMAN: May I have a copy of your amendment?

Mr. WOOLLIAMS: Mr. Justice Dryer may be back in British Columbia before we get our questions addressed to him.

The CHAIRMAN: That will entirely depend on the amount of co-operation the Chair receives. In the next few minutes the questions will be related to the amendment by Mr. Brewin and seconded by Mr. Barnett.

Mr. LESSARD (Saint-Henri): How many motions have we?

The CHAIRMAN: There is one motion by Mr. Nielsen and an amendment by Mr. Brewin.

Mr. BARNETT: May I ask a question while we are waiting for the amendment?

The CHAIRMAN: I already have restricted Mr. Bell from doing precisely that, because I am afraid we would open up another avenue which would waste more time than waiting for Mr. Brewin to put all his whereases in.

Mr. BASFORD: May I ask whether or not the trustees are in a position to produce the document referred to in the motion?

Mr. DRYER: Apparently the answer is yes; they have it.

The CHAIRMAN: Gentlemen, I will read the amendment. This is the amendment moved by Mr. Brewin and seconded by Mr. Barnett:

It is moved that the motion of Mr. Nielsen be referred to the steering committee to consider and report back to the committee as to whether there is any objection to its production at the public hearing of this committee.

You have heard the amendment.

Mr. BELL: Mr. Chairman, on the amendment, I do not think this is a matter for the steering committee. I think it should be decided here, now, at this public hearing. I would like to state my thoughts concerning this matter of tabling documents, because undoubtedly we will run into this in the future. I think the Chairman ruled—and I believe I disagree with Mr. Regan and Mr. Greene on this—that certain documents which are under the control of the trustees and/or the union may be asked for here by various members of the committee, but if the trustees or the unions decide that would be detrimental to the union or the trusteeship, then we would abide by the C.N.R. rule which I do not think has a particular analogy, although it is the one you have accepted, which says we cannot inquire into anything which would affect the internal management of the particular organization.

The CHAIRMAN: I did not say we could not go into anything pertaining to the internal management. I did say we had no right to bring to the committee documents which are considered to be the private property of private organizations, and unions fit into that category.

Mr. BELL: If we ask for these particular documents and the trustees and/or the union say no, that these in our opinion are private and confidential and that it would be detrimental if they are produced, then we would have to accept their word, or possibly appeal their decision. However, I do not think it is our business to know what is in these documents. We have the right to insist by way of a majority in the committee that they be tabled, whether or not the decision of the trustees or the union is that this would be detrimental.

The CHAIRMAN: Gentlemen, it has been brought to my attention that there is an important and crucial vote in the house. Perhaps we might dispose of Mr. Brewin's amendment first. You have heard Mr. Bell's learned argument in respect of why we should not consider the amendment.

Mr. NIELSEN: I would like to point out that I was not available at the time the committee made the decision to hold these meetings in camera.

The CHAIRMAN: You were very well represented by the hon. member for Ontario.

Mr. NIELSEN: The other members upheld our view very well indeed, but my own personal view is that these secret, behind-the-door meetings are extremely undesirable while affirming a question of this sort. I would submit that we consider in committee this motion to produce rather than have it considered by the steering committee.

Mr. GRAY: May I make a motion which I think is a privileged motion. I move that we adjourn.

Mr. LESSARD (Saint-Henri): I second the motion.

The CHAIRMAN: I know it is a privileged motion which takes precedence. However, I do not think we would accomplish anything by adjourning if we are ready to proceed with the amendment.

Mr. STARR: Of course, the steering committee did agree that if the trustees objected to giving any information in public, then the matter would be reviewed to ascertain whether or not the hearing should be held in public or in camera.

There has been no objection to the production of this document by the trustees and consequently the motion does not come within the realm of the matter which we agreed upon in the steering committee.

Mr. GRAY: Mr. Chairman—

The CHAIRMAN: Nevertheless, there is nothing wrong with the amendment; the amendment is in order. The amendment simply is that the motion of Mr. Nielsen be referred to the steering committee to consider and report back to the committee. That is one of the past and future functions of the steering committee.

Mr. STARR: But it has nothing to do with the agreement of the steering committee.

The CHAIRMAN: Instead of getting into an argument on this, let us at least agree that it is the function of the steering committee to consider motions referred to it by the regular committee. I would now read the amendment—

Mr. BYRNE: Mr. Chairman, I am not prepared to vote on it. There has been a privileged motion.

Mr. GRAY: The reason I moved my motion is I thought it would be more courteous to you and to the members of the committee that we adjourn to the call of the Chair because other members, and myself, have comments to make. It would appear that other members wish to speak and that there will be discussion.

The CHAIRMAN: You are fully within your rights and I have no right to disregard your motion. There is a motion before the committee, which has been seconded, that we adjourn.

Motion agreed to.

The CHAIRMAN: The meeting will reconvene at eight o'clock this evening.

EVENING SITTING

TUESDAY, March 16, 1965

The CHAIRMAN: Gentlemen, the meeting will come to order. Let me remind the members of the possibility of a recorded vote in the house. I mention this to the members as well as to any interested spectators so that if we knock you down in the rush you will understand precisely why.

I would like to mention also that Judge Dryer, as he intimated earlier this morning, must leave us at 9.00 o'clock, which is barely 45 minutes away, and that he will not be available to the committee again until some time late in April.

Mr. NIELSEN: It will be impossible to conclude the subject matter in such a short time.

The CHAIRMAN: Your opinion is always valued in the right place, but would you please let me finish. Tomorrow we have a caucus, but it is possible to have a meeting on Thursday. You people may think over the possibility of a meeting on Friday without Judge Dryer, or perhaps at the beginning of the week, late enough on Monday to permit many of the members who travel back here on Monday to assist. We shall try to be fair and get in as many meetings as we can in as short a period of time as possible. Of course, we are expected to carry on whether Judge Dryer is here or not.

Mr. BYRNE: Before we leave the subject, are we to understand that it will be impossible for Mr. Justice Dryer under any circumstances to be here before nearly the end of April?

The CHAIRMAN: Perhaps Judge Dryer might care to elaborate a little further in that connection.

Mr. DRYER: It would be absolutely impossible for me to be here prior to April 6. As a matter of fact, I should not even be here today. I had to forgo several commitments in order to be here today. And for any date fixed for later on I should have at least two weeks notice because I make other commitments and other people are entitled to rely on them. I do not like being put in the position where I have to break my commitments.

The CHAIRMAN: At the time that we recessed this afternoon—

Mr. BYRNE: Before leaving that point, would it not be appropriate then for the steering committee to have a meeting and decide on what they wish to do?

The CHAIRMAN: I was hoping to have a steering committee on Friday if it is suitable to everybody. I understand that Mr. Nielsen would replace Mr. Woolliams if he were not available on Friday. I think it is necessary that we have a steering committee meeting at the first opportunity, if the committee is going to make progress.

Emanating from that particular meeting I think we might be able to formulate some lines to which all parties might agree and along which this committee might make a little more progress than we made this afternoon.

Mr. DRYER: May I add something else? I would like to say that it is inconvenient for me to come down here. I have spent enough time in eastern Canada, and I do not want to spend anymore here. If the purpose of this inquiry is only to obtain information, I do not see why it cannot be done by means of interrogatories.

The CHAIRMAN: The viewpoint of Judge Dryer will be discussed and weighed at the first opportunity by the steering committee. Certainly his advice is well accepted and well meant. It will be up to the steering committee to say whether we could or could not continue without Judge Dryer in the near future.

Mr. NIELSEN: We have another alternative, Mr. Chairman, we might adjourn to Vancouver.

The CHAIRMAN: Yes, I guess we could.

Mr. BYRNE: Let us say the end of April.

The CHAIRMAN: I imagine Judge Dryer's time will be occupied in places where they maintain a higher degree of decorum. I am sure we would be welcome in his court as silent spectators. This is the problem before the steering committee. At four o'clock this afternoon we were discussing and had discussed at some length an amendment introduced by Mr. Brewin.

Mr. DE GRANDPRÉ: Before we come to that, would you allow me to address the meeting?

The CHAIRMAN: Before I rule on that, may I ask if your remarks would have any bearing on this particular point?

Mr. DE GRANDPRÉ: They have a bearing on all these proceedings.

The CHAIRMAN: Would your remarks have to be made at this time, or could you not make them later on?

Mr. DE GRANDPRÉ: I suggest that I be allowed to speak now.

The CHAIRMAN: Mr. de Grandpré has requested permission to address the committee. Is there any objection to Mr. de Grandpré's addressing us?

Mr. MACINNIS: I have an objection.

The CHAIRMAN: But you have not heard what he has to say yet.

Mr. MACINNIS: I have an objection on general principles.

The CHAIRMAN: Would you not like to hear what he has to say first?

Mr. MACINNIS: I object on principle. I do not see how you as Chairman can adopt a procedure of that kind. Surely, it is you who should make the decisions on what you are going to hear and when. As Chairman that is your duty. And if you decide, as Chairman to hear the motion made by Mr. Brewin, would you not proceed accordingly?

The CHAIRMAN: Thank you for your advice. I know that it is well meant and well accepted. You must give me an opportunity to say what I have to say. I am Chairman of this particular meeting, as pointed out by Mr. MacInnis. And I was under the impression that Mr. de Grandpré might have something to say which would have some effect on the outcome of the amendment. I am sure after the objection, and knowing that some members are objecting, you might think that his information would be of value to all the members of the committee. Taking your advice I shall rule that I welcome a few words from Mr. de Grandpré at this moment.

Mr. BYRNE: I wonder if we are to hear any other person while the meetings are being conducted. We have a quorum, and the first meeting is being conducted under the terms of reference as set down. But if we are to permit other than members of the trustees to speak, would we not then be opening the door to almost anyone who wished to be heard? I would prefer to hear what Mr. de Grandpré has to say.

Mr. DE GRANDPRÉ: I appear here as counsel for the trustees, and it is in their name that I request permission to address the meeting.

Mr. BYRNE: I am the only one raising the point of order.

The CHAIRMAN: It might be out of order. It might be argued that Mr. de Grandpré should be heard at this time, and it might be considered by many as establishing a precedent that we should avoid; but I would point out that Mr. de Grandpré is legal advisor to the trustees and it is quite possible that Mr. de Grandpré might whisper in the ears of the trustees, if he would like the trustees to repeat what he has to say. But I suggest that since he is in the position of legal adviser to the trustees, he may have something that we should hear.

Mr. NIELSEN: On the point of order raised by Mr. Byrne, if we do hear Mr. de Grandpré, it is only fair to hear representations on behalf of the S.I.U. as well in these circumstances. I, of course, anticipate the proceedings. If this committee is going to be allowed to inquire fully with respect to our terms of reference, this may anticipate fears which are groundless. But if the inquiry is going to be strictly confined—I would suggest that you do not be too strict respecting the terms of reference having to do with hearing the trustees,—then I think that is where it should be confined. If we are to hear outside representations, then I think that representations should be heard from others as well.

The CHAIRMAN: Of course there is no particular reason why the S.I.U. should be heard here. The S.I.U. is not before this committee. It is the board of trustees which is before this particular committee on industrial relations. But in view of the controversy I would ask Mr. de Grandpré to hold his remarks and let us proceed with the amendment.

Mr. NIELSEN: I would like to hear Mr. de Grandpré.

The CHAIRMAN: So would we all, but at the risk of setting a precedent.

Mr. DRYER: As I understand the terms of reference there are three people—or possibly four—named as possible witnesses before this committee. If I understand the rules of parliamentary committees, witnesses before such committees are entitled to be represented by counsel. Mr. de Grandpré is here as counsel for the witnesses named. It is in that capacity that he wishes to address you. It is not a question of opening the door to a lot of other people. It is

merely the question of people who are properly before this committee being represented by their counsel.

Mr. NIELSEN: Since Judge Dryer has advanced arguments rather than testimony, may I say that I am sure he is aware of the inherent power in the rules of committees to summon persons, papers and things. It may well be the pleasure of this committee to hear other persons besides the trustees in order to determine whether the terms of reference have been satisfied.

Mr. GRAY: If I may be permitted to say something which may help with the disposition of this matter, first of all, I do not think that now is the time to make any final determination of who else we may hear besides the three witnesses we have before us today. I see no reason for the Chairman not deciding to permit the witnesses to be heard through their counsel without prejudice to his right to rule on the possibility of hearing any other person directly or through his counsel.

The CHAIRMAN: I thank you for your advice. Perhaps I have approached the whole thing wrongly. Perhaps I have laboured under a misapprehension. I have said that nobody is on trial here. The trustees are here to give the industrial relations committee an accounting of their stewardship since they have been here, and they are represented by counsel. It seems to me that in a matter where legal technicalities are involved it is pretty bad courtesy to prevent their particular legal counsel from speaking on their behalf. It is strictly in that sense that I welcome the remarks of Mr. de Grandpré before we get to the amendment. Certainly I am not going to establish any precedent for future meetings.

Mr. BARNETT: It seems to me that we are getting bogged down with a lot of abstract considerations. We are to hear the board of trustees. It seems to me that a statement made by any agent or spokesman of that body at the request of the trustees is a perfectly normal practice. We do it all the time when we hear agents of ministers of the crown in committee where their deputies or counsel for various departments speak to us. I do not see why there is any complication and I disagree with any suggestion that the trustees have to say every word in the committee individually and personally. It seems to me this is going against the normal and accepted procedure of the committee.

The CHAIRMAN: I will ask Mr. de Grandpré if he would like to make his statement.

Mr. NIELSEN: Mr. Chairman, on a point of order, there is a motion and an amendment before the committee which should be disposed of.

The CHAIRMAN: With all due reference to your suggestion or advice, whatever you wish to call it, I have asked Mr. de Grandpré to make a statement and then I will bring before the committee the amendment, and if necessary the motion. If you want to appeal by decision, go right ahead and do it.

Mr. NIELSEN: Mr. Chairman, on a point of order, I believe that the proper procedure is that once an amendment has been made a debate arises thereon by members of the committee. At the conclusion of that debate the amendment must be put, thereupon the main motion may be debated and the question on the main motion put. If we are going to follow the rules of procedure, I think they should be strictly followed without any intervention from the witnesses. We have an amendment and a motion, and I think the rules clearly require that these be put.

The CHAIRMAN: I am still asking Mr. de Grandpré to make his statement.

Mr. NIELSEN: Then, sir, I move that the question be put. Mr. Chairman, with respect that is not debatable.

The CHAIRMAN: Is there any seconder to your motion that the question be put?

Mr. MACINNIS: I second it.

The CHAIRMAN: You have heard the motion, duly seconded that the question now be put. All those in favour of the motion?

Mr. BYRNE: This is a motion that the motion be now put, not the motion itself.

The CHAIRMAN: That is right. If this motion is sustained I will bring the amendment before the committee. All those in favour of the motion that the question now be put? Four.

Contrary? Eleven.

Motion negatived.

The CHAIRMAN: Mr. de Grandpré, please speak.

Mr. DE GRANDPRÉ: I have been instructed by my clients to make the following statement. The trustees have not been subpoenaed to appear before this committee. They have appeared of their own accord but with great reservations as to the implications of such an appearance. Those reservations were expressed by Mr. Justice Dryer in a letter tabled in the House of commons dated July 31, 1964. The trustees appeared before this committee on the understanding that the function of the committee was to inquire into the facts found and the acts performed by the trustees. The proceedings today have indicated that the committee or some members of it, consider their function to be much broader, and that the committee is in fact to investigate the conduct of the trustees. If the committee does not feel the inquiry is limited to examining the trustees and insists on examining documents and other witnesses the trustees must conclude they are on trial. In that event they request an adjournment to enable them to consider their position, particularly with regard to the question of whether they will serve any useful purpose by continuing as trustees.

This is the statement I was instructed to present to the meeting.

Mr. NIELSEN: May I ask, Mr. Chairman, if all of the trustees are unanimous in instructing counsel to have made this statement?

Mr. DE GRANDPRÉ: I have spoken to each one of them and I have been instructed by each one of them.

The CHAIRMAN: We will now proceed with the amendment.

Mr. NIELSEN: Mr. Chairman, my reaction to this statement—

The CHAIRMAN: I am not interested in it. I am first going to proceed with the amendment, and when I have cleared up the amendment and the motion I would be glad to hear your reaction.

Mr. NIELSEN: Is there no right or reply to the statement just made before you railroad this motion through?

The CHAIRMAN: You cannot make any complaint, Mr. Nielsen, about the performance of the Chair at any time today. If I am guilty of anything, it has been of presuming on the good will of the committee and objectivity of the members. Perhaps I have been taken advantage of, perhaps I have not, in any event I fully intend to fulfil my mandate as I see it. I may not see it as you do, but at least it is sincere. I fully intend to proceed with the amendment that was before the committee at 4 o'clock this afternoon.

Mr. BASFORD: Mr. Chairman, on a point of order, we have a motion and an amendment before the committee. The member for the Yukon is surely entitled to debate that motion and the amendment.

The CHAIRMAN: I am not interested in Mr. Nielsen's opinion of the statement made by Mr. de Grandpre. If he wishes to speak on the motion and the amendment, he may do so.

Mr. NIELSEN: I will defer to the Chair. Go ahead and put the question on the motion.

The CHAIRMAN: If I recall, we discussed both the amendment and the motion, at some length this afternoon.

Mr. BYRNE: So far I have not been given an opportunity to discuss the amendment.

The CHAIRMAN: Does anybody wish to discuss the amendment? I did not intend to cut any debate off. Would you like the amendment repeated?

Mr. LACHANCE: Yes, would you please read it, Mr. Chairman?

The CHAIRMAN: I will read both the motion and the amendment.

The motion, moved by Mr. Nielsen and seconded by Mr. Starr, is that the report of the elections committee, dated Montreal, December 4, 1964, be produced before the committee.

The amendment made by Mr. Brewin and seconded by Mr. Barnett, is that the motion of Mr. Nielsen be referred to the steering subcommittee to be considered and that the subcommittee report back to the committee on whether there is any objection to its production at the public hearings of the committee.

Mr. BYRNE: Mr. Chairman, I wish to speak on the amendment. I oppose the amendment on the grounds that it anticipates this committee going into the question of documents that are part and parcel of the operations of the trusteeship. I oppose it on the basis of your earlier ruling this afternoon in respect of documents that are to be produced. They are documents that are of government nature, that is from departments of government. This committee has no authority to seek those documents. I oppose it on precisely the argument presented by counsel of the trustees, and would ask the committee to follow my suggestion.

The CHAIRMAN: Are there any other comments?

Mr. BREWIN: May I comment on Mr. Byrne's remarks on my motion? It seems to me that we are getting into a lot of unnecessary trouble. We have a committee here with a function to perform. So far as I am concerned we want to perform it reasonably and consistently with the interests and dignity of the trustees who have been given a job to do. To come here and suggest that when we ask, in a perfectly reasonable way, for the production of a document that is relevant to our inquiry, it is not permissible, is unheard of; no court in the land would tolerate this sort of thing for a moment. We might as well not sit as a committee if we are not to be entitled to do these things under those circumstances.

My motion permits the steering committee to look into this and find out if there is any reasonable objection. None of us wants to pry into something that would be damaging either to the administration of the trustees or the welfare of the unions or anything else, but to say in this committee that we are not going to produce a document that is quite relevant to our inquiry and to which there is no objection would make a farce of the committee and of parliament. As far as I am concerned I do not want to sit in this committee if we are not going to be given the power to do what every other committee has always done.

I do not think this is the time to comment on the statement we heard from the counsel for the trustees, but when the time comes, I would like to be allowed to comment on that statement.

The CHAIRMAN: Are there any further comments on the amendment?

Mr. NIELSEN: Mr. Chairman, speaking on the amendment, I endorse Mr. Brewin's remarks completely. I cannot conceive of any inference being drawn by the trustees that they are on trial. Our terms of reference have directed this committee to inquire, in effect, into the stewardship of the trustees. The

questions the documents produce might be embarrassing to that stewardship, I do not know, it may well be, but if that is the result, surely that is what this committee is charged with achieving. To restrict the inquiry by the non-production of documents when they have to do with that very stewardship, the conduct of the elections and the management of the trustees in general, is, as Mr. Brewin said, completely emasculating the committee. There would be absolutely no purpose whatsoever in continuing this inquiry at all. I might say, with great deference to the opinion expressed by the counsel for the trustees, that if we were to accept what he has submitted to us as his instructions from his client, and to agree to it, we would in effect be in direct defiance of the very terms of reference that parliament has imposed on this committee.

The CHAIRMAN: I think we have heard from everyone. Mr. Greene?

Mr. GREENE: I might point out in reference to the counsel's statement, Mr. Chairman, that what counsel was doing in effect, was reiterating the terms under which the trustees were appointed by the act of parliament which appointed them. They were appointed to fulfil certain functions in running these maritime unions as trustees and the terms of their trust were defined in the act of parliament. The terms of that trust were simply that they were to run the unions in accord with the act and they were to report. There was nothing in the original act that they were to do anything but report. Now subsequently the house, in its wisdom and quite properly within its function if they wished, said that they were to attend here, and as I see it, report verbally and nothing more than that. I do not think that we have any authority here to change an act of parliament. We certainly have no authority here to ask for the production of private documents from the unions, from a board of trustees which has a very high fiduciary relationship, and less right to produce private documents on the affairs of the trustees. I think we would be going not only far beyond the terms of the act and the authority we have under the subsequent resolution, but we would be creating a very grave precedent in saying that private persons can be forced before the committee and even citation 209 in Beauchesne quite clearly states that only documents which are public records, can be summoned before parliament. Now how in the name of goodness can a committee of parliament have the temerity to believe, or some members of it, that they can call private persons in here and reveal private documents. There is no authority for the proposition.

Mr. BELL: Mr. Chairman, I mentioned to Mr. Greene before super that I felt these are private documents and they should not be tabled. Now Mr. Justice Dryer said very succinctly that he had no objection to these being tabled. Counsel, while he has intimated that it would not be in the best interests of the trusteeship to start to produce documents, has not categorically said, as I understand it, that these should not be produced. I want someone that has knowledge of these documents to tell me that they are private and it would be against the public interest and against the unions to produce them. Nobody has said that.

The CHAIRMAN: Could I say a word here? This is one of the problems that the Chair has been faced with; it has received absolutely no guidance as to what documents are relevant, irrelevant or prejudicial to the unions and necessary for the proper conduct of this particular inquiry. This is why I personally had favoured the amendment because I think it does refer the matter—which would perhaps set a precedent—to the very objective steering committee in which all of the parties are represented and there the matter can be thrashed out in private. There the nature of the particular documents under question can be brought forward and revealed and surely the steering committee at that particular time can decide whether these things are prejudicial or not. Now I think we have heard an amendment and I would ask you to be prepared to vote on the following amendment introduced by Mr. Brewin, seconded by Mr. Barnett.

The amendment is as follows:

It is moved by Mr. Brewin, seconded by Mr. Barnett, that the motion of Mr. Nielsen be referred to the steering committee to be considered and report back to the committee as to whether there is any objection in its production to the public hearings of the committee.

All those in favour of the amendment, please indicate.

The amendment is carried seven to six.

Now I would call the motion as amended for your adoption. The motion as amended reads as follows—and I might use the word alluded to by Mr. Nielsen earlier in the day—that the elections report be referred to the steering committee.

Mr. GREENE: Did I not refer to the elections committee?

The CHAIRMAN: Yes, of December 4, 1964, be referred to the steering committee who in turn will report back to the general committee whether there should be any objection to its production at the public hearings of the committee. Now, gentlemen, all those in favour of that motion as amended, please indicate.

The motion is carried, eight to five.

Gentlemen, it is 10 minutes to nine and it has been a rather trying day but very pleasant. Judge Dryer must leave precisely at 9 o'clock.

Mr. NIELSEN: I can be very brief here. I have, of course, the undisposed motion of the minority report. I can ask one question of Judge Dryer. Can I put a motion before the committee?

The CHAIRMAN: You want to put a question. You feel that a question will be helpful in your eventual motion?

Mr. NIELSEN: Yes. The ground work must be laid by one question.

The CHAIRMAN: First of all, have you any objection, Judge Dryer?

Mr. DRYER: No.

The CHAIRMAN: Mr. MacInnis, you were not here this morning nor this afternoon.

Mr. MACINNIS: I do not have to be here to understand what is going on; I can see it happening. Do not single me out and say have I any objection because I did not say one word. Since I made the first objection to the hon. member making this statement, I have not uttered a word in this committee so do not single me out.

The CHAIRMAN: I was trying to be helpful in telling you this.

Mr. MACINNIS: You do not have to tell me anything. I can find it out for myself.

The CHAIRMAN: Fine. Go ahead.

Mr. NIELSEN: I would like to put a question to Mr. Justice Dryer. Was there a memorandum or report made to the board of trustees by the elections committee on November 10, 1964?

Mr. DRYER: I do not know.

Mr. NIELSEN: I wonder if one of your colleagues on the board might be able to answer that?

Mr. DRYER: They do not know.

Mr. NIELSEN: Mr. Millard does not have the report?

Mr. DRYER: A report to the board of trustees on November 10?

Mr. NIELSEN: Yes, on November 10, 1964.

Mr. DRYER: I do not think so, but I doubt it. Do you mean a written report?

Mr. NIELSEN: A written report.

Mr. DRYER: I do not think so.

Mr. NIELSEN: A written report signed by Mr. Judge, Mr. MacArthur and Mr. Ainsborough.

Mr. DRYER: I would doubt it very much. I am told it could have been an interim report.

Mr. NIELSEN: Is it possible?

Mr. DRYER: It is possible but I have no recollection.

Mr. NIELSEN: I am going to move a motion that that particular report be produced as well since there is a possibility of it existing.

The CHAIRMAN: You have obtained the information you wanted now. I was going to suggest and hope that in view of the fact that Judge Dryer is leaving, I am rather reluctant to start a new line of questioning that would have to be interrupted.

Mr. BREWIN: Are you dealing under the head of elections now?

The CHAIRMAN: I did not intend to be rude, but at the particular moment when the amendment was made we were discussing a specific page in the report, page 10. Had Mr. Nielsen not asked his question, I would have gone right back again to the particular section, which is what I wanted to point out to Mr. MacInnis, with the procedure we determine this afternoon.

Mr. NIELSEN: I would suggest that it is hopeless to try to squeeze into ten minutes the questions we have for Judge Dryer and that we ask the indulgence of the committee so Judge Dryer may retire, and we will get him as soon as possible again.

The CHAIRMAN: Perhaps you could reword your phrase "get him".

Mr. NIELSEN: I mean we could perhaps obtain his assistance again at the earliest possible time.

Mr. DRYER: I reiterate the position I took before. I have appeared before this committee twice. I think that should be enough. If you people subpoena me, I will have to come, but I really think I should not be called back.

Mr. NIELSEN: If the committee decides to subpoena you, Mr. Justice Dryer, which would be the most convenient date to accept the subpoena?

Mr. DRYER: One of the least inconvenient dates would be after the sixth of April.

The CHAIRMAN: Is there a motion before the house that we adjourn?

Mr. NIELSEN: No, I have two more motions to put for the consideration of the steering committee.

I move, seconded by Mr. Starr, that the minority elections committee report, dated December 10, 1964, signed by Robert MacArthur, be produced for the committee.

It is not in order to make two motions at the same time, so I will hold the next one for the time being.

The CHAIRMAN: Does this conform with the amended motion?

Mr. NIELSEN: This is a separate motion.

Mr. BASFORD: How can we consider a motion asking for the production of a report which the evidence says does not exist?

Mr. BELL: There is no evidence to that effect. Nobody knows.

Mr. STARR: The trustees do not know it exists.

The CHAIRMAN: Mr. Basford raised a very proper question. We have a motion before us concerning a minority elections committee report, and I think the Chair is duty bound to find out from the trustees whether such a particular report exists.

Mr. NIELSEN: We have already established that.

The CHAIRMAN: I am sure they would be glad to reiterate it because it has escaped my memory.

Mr. DRYER: I do not know that there is such a document from the way the motion is worded. There was a minority report by MacArthur, but whether it is dated November 10 or not I do not know, and I would doubt whether it is November 10.

Mr. NIELSEN: Is it possible that it could be the 10th?

Mr. DRYER: Oh, it could be, yes, but you may be asking for something that does not exist if you put that date in the motion.

Miss JEWETT: On a point of order, Mr. Chairman, the committee has already agreed that the subcommittee will discuss whether or not the document originally referred to and other documents should be brought forward to the main committee for a recommendation on whether it should be placed in evidence. It seems to me that the subsequent documents that are now being referred to by Mr. Nielsen could be referred by him to the steering committee of this committee. We are really wasting an enormous amount of time.

The CHAIRMAN: I think you are raising a valid point, Miss Jewett. That is why I asked Mr. Nielsen if it would conform to the amendment previously adopted that it be referred to the steering committee.

Miss JEWETT: But on a point of order, we do not need these continual motions. We have already covered them. If he wants to present them to the steering committee, we have already covered that possibility.

The CHAIRMAN: Have you any objection?

Mr. NIELSEN: I certainly have because I am not going to be a party to behind-the-doors proceedings. I will put my motion.

The CHAIRMAN: Whether there is or is not any behind-the-doors manoeuvring, as you have indicated, is a matter of opinion and it is something I certainly do not agree with.

Would you like to say something, Judge Dryer?

Mr. DRYER: I note that the date on this is November 10. I withdraw what I said earlier about November 10. I had your earlier date in mind, November 4. November 10 it could be. It could be November 4, but that would surprise me.

The CHAIRMAN: The motion before the committee, moved by Mr. Nielsen, seconded by Mr. Starr, is that the minority elections committee report, dated December 10, 1964, signed by Robert MacArthur, be produced for the committee.

Mr. BREWIN: Mr. Chairman, I will make the same motion as I made before. I thought earlier the motion covered any reports dealing with this election, but if it did not do that then I suggest it be treated in the same way, and I will not repeat my arguments. I hope no one else will repeat theirs.

The CHAIRMAN: Would you care to make it in writing?

Mr. BREWIN: It is the same amendment as the last one.

Mr. NIELSEN: Take the amendment on division.

Miss JEWETT: Take it on vote, Mr. Chairman, and save all this rigmarole.

The CHAIRMAN: The motion by Mr. Nielsen, seconded by Mr. Starr, is that the minority report, dated November 10, 1964, signed by Robert MacArthur, be referred to the steering committee for their perusal with a recommendation on

their behalf to the first open meeting as to whether there is anything objectionable that should not be discussed in public.

All those in favour of the amendment? Against?

Amendment approved on division.

The CHAIRMAN: Are you ready for the question on the motion as amended?

Several Hon. MEMBERS: Question.

Motion as amended agreed to.

Mr. NIELSEN: The last motion, which is moved by myself and seconded by Mr. Starr, is that a memorandum or report to the board of trustees from the elections committee, dated November 10, 1964, signed by Ainsborough, MacArthur and Judge, be produced for the committee.

That is all for tonight, Mr. Chairman.

The CHAIRMAN: That is very kind of you, Mr. Nielsen. Your co-operation is well appreciated by the Chair!

The motion put forward by Mr. Nielsen, seconded by Mr. Starr, is that the memorandum or report by the board of trustees to the elections committee, signed by Messrs. Ainsborough, MacArthur and Judge be produced for the committee.

Mr. GREENE: I would point out that there is no evidence before the committee that there is any such memorandum. We do not know what it is. If this is not a fishing expedition, I do not know what is.

The CHAIRMAN: The point is that if there is no such memorandum the steering committee will have a hard time to discuss it, and this will clear up the doubt.

Mr. BREWIN: I move that we delegate any fishing that is involved to the steering committee.

I merely repeat my last amendment.

The CHAIRMAN: The amendment to the motion by Mr. Brewin, seconded by Mr. Barnett, is that the motion be amended so that the body of the motion be referred to the steering committee.

Mr. BASFORD: May I ask a question which I asked this afternoon? Is the board of trustees in a position to produce such a document?

Mr. DE GRANPRÉ: We will find out.

The CHAIRMAN: If they are not, they will have to come back and say so. Gentlemen, I think we have heard the pros and cons on all motions, which are fairly similar. I would ask you therefore to vote on the amendment.

Mr. BASFORD: On a point of order, Mr. Chairman, I am not prepared to support motions calling for the production of papers we do not know exist. I intend to vote against the motion until I know the trustees are in a position to produce such a document, if there is such a document.

The CHAIRMAN: Does such a document exist?

Mr. DRYER: We do not know.

Mr. BASFORD: Then, until we have some evidence before the committee that the document exists and can be produced, I can see no reason for passing the vote.

Mr. NIELSEN: The witness said it is possible that such a report exists.

Mr. DRYER: It is something else you are talking about now.

The CHAIRMAN: Gentlemen, perhaps the Chair should take the easy way out. I was under the impression that between now and when the steering committee meets the trustees will be able to find out whether such a document exists. If it does not exist, as is quite often the case in the House of Commons

with regard to the production of papers, the motion can be made for the production of papers and it can come back, as it does in the house, and it can be said the document does not exist.

Mr. BELL: They should also be prepared to answer my question and say that the production of these documents would be against the best interests of the internal management.

The CHAIRMAN: If they exist we have then to determine whether it is in the best public interest to produce them.

Mr. GREENE: On Mr. Bell's point—a point that he has reiterated several times—I submit it is our duty and our function to decide that.

Mr. BELL: How can you see them and how can you determine them?

Mr. GREENE: All the documents for trusteeship are obviously trustee documents and they are not public documents.

The CHAIRMAN: Judge Dryer has to leave. Is there any possibility of getting this last memorandum settled? Mr. Basford has asked a question. The trustees say they do not know and will have to search the records to find out whether such a memorandum as the one mentioned exists.

Mr. BASFORD: I have not asked a question. I have just stated my position. Until they do know, I am not prepared to agree to the motion.

The CHAIRMAN: Then vote accordingly. The answer to the information you have requested is that they do not know.

Gentlemen, we will now vote on the amendment to the motion as presented to the committee by Mr. Brewin, seconded by Mr. Barnett, that the memorandum or report to the board of trustees be referred to the steering committee.

Mr. LACHANCE: Has it been declared officially by the trustees that this document exists or does not exist?

The CHAIRMAN: They do not know. If it does not exist, then the steering committee will come back on Monday to the first public meeting and tell you that, according to the trustees, it does not exist.

I think this amendment is realistic and that it will serve two purposes. It will give the trustees an opportunity to check the files and see if the documents in question do exist. If they exist, it will give the steering committee the opportunity to examine them and see if there is anything in them that would necessitate the betrayal of the trustees' role as trustees of the union if they are revealed in public.

Mr. NIELSEN: Mr. Chairman, might I just say very briefly that I would assure the trustees that the document which is the subject of the motion does in fact exist, and I suggest they search their records very carefully.

Mr. GREENE: On a point of order, Mr. Chairman, I think we should put Mr. Nielsen in the witness box and then we will get all the documents in a hurry!

The CHAIRMAN: In case anyone misunderstands, you have made your point that you have copies of the document but you will agree with the Chair that the only authentic source, and the only source in which we are interested, is that of the board of trustees.

Mr. LACHANCE: In two other motions it has been declared categorically by the trustees that the other two documents did exist. In this particular case, they are not prepared to tell the committee the same thing?

The CHAIRMAN: They do not know. Surely we can give the board of trustees an opportunity to find out.

Mr. BASFORD: Question.

Mr. ÉMARD: Question.

Mr. MACINNIS: I want to ask two questions, and I refer back to an earlier remark of your own when you said the trustees would rule that no such paper exists.

The CHAIRMAN: I am sorry if I said that. It was not what I meant. I said they would tell us whether the paper exists or does not exist.

Mr. MACINNIS: One more statement you have just made, Mr. Chairman, was to the effect that Mr. Nielsen has the documents in question.

The CHAIRMAN: He has told us this.

Mr. MACINNIS: He never told you any such thing.

The CHAIRMAN: I have no right to jump to the conclusion, but that is what I thought Mr. Nielsen was trying to establish.

Mr. NIELSEN: It is the second time you have done that.

The CHAIRMAN: I think it is the third or fourth time today.

I will put the amendment.

All those in favour of the amendment? Against?

Amendment negatived on division.

The CHAIRMAN: The amendment proposed by Mr. Brewin is defeated.

We will now vote on the motion moved by Mr. Nielsen and seconded by Mr. Starr, that a memorandum or report to the board of trustees from the elections committee dated November 10, 1964, signed by Messrs. Ainsborough, MacArthur and Judge be produced for the committee.

Motion negatived.

Moved by Mr. Basford, seconded by Mr. Émard that the committee adjourn.

Motion agreed to.

HOUSE OF COMMONS
Second Session—Twenty-sixth Parliament
1964-1965

STANDING COMMITTEE
ON
INDUSTRIAL RELATIONS

Chairman: Mr. BRYCE MACKASEY

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

Respecting operations of the Board of Trustees under the
Maritime Transportation Unions Trustees Act

THURSDAY, MARCH 25, 1965

WITNESSES:

From the Board of Trustees of the Maritime Transportation Unions:
Judge René Lippé, *Chairman*; and Mr. Charles H. Millard, *Trustee*.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON INDUSTRIAL RELATIONS

Chairman: Mr. B. Mackasey

Vice-Chairman: Mr. H. P. Lessard (*Saint-Henri*)
and Messrs.

Barnett,	Gray,	Nielsen,
Basford,	Greene,	Nugent,
Bell,	¹ Hales	Regan,
Brewin,	Jewett (Miss),	Rhéaume,
Byrne,	Lachance,	Ricard,
Chrétien,	Latulippe,	Rideout (Mrs.),
Cyr,	MacInnis,	Simpson,
Dionne,	Martin (<i>Timmins</i>),	Starr,
Émard,	² Mitchell,	Woolliams—35.
Fairweather,	Muir (<i>Cape Breton</i> <i>North and Victoria</i>),	
Frenette,		
Godin,	Munro,	

M. Slack,
Clerk of the Committee.

¹ Replaced by Mr. McNulty on March 18, 1965.

² Replaced by Mr. Foy on March 24, 1965.

ORDERS OF REFERENCE

THURSDAY, March 18, 1965.

Ordered,—That the name of Mr. McNulty be substituted for that of Mr. Harley on the Standing Committee on Industrial Relations.

WEDNESDAY, March 24, 1965.

Ordered,—That the name of Mr. Foy be substituted for that of Mr. Mitchell on the Standing Committee on Industrial Relations.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, March 25, 1965.

(6)

The Standing Committee on Industrial Relations met this day at 9.40 a.m. The Chairman, Mr. Bryce Mackasey, presided.

Members present: Miss Jewett, Mr. Rideout and Messrs. Barnett, Basford, Bell, Brewin, Byrne, Chrétien, Emard, Fairweather, Foy, Frenette, Gray, Greene, Hales, Lachance, Lessard (*Saint-Henri*), MacInnis, Mackasey, Martin (*Timmins*), Munro, Nielsen, Regan, Starr (24).

In attendance: From the Board of Trustees of the Maritime Transportation Unions: Judge René Lippé, Chairman; and Messrs. Charles H. Millard, Trustee; Joseph MacKenzie, Trustee; Jean de Grandpré, Q.C., Counsel; Allan H. Hope, Executive Director; John Howard, Assistant Director; and Charles Turner, Executive Assistant to Mr. Millard.

The Chairman made a statement relating to the simultaneous interpretation transcription of the proceedings of March 16, copies of which were distributed to members of the Committee.

Mr. Mackasey made a statement referring to the motion adopted March 16 concerning constitutions of the unions under the jurisdiction of the Board of Trustees; the Committee then agreed that the constitutions be tabled as an Exhibit. (*Identified as Exhibit No. 1.*)

The Chairman read the report of the subcommittee on agenda and procedure recommending that the report of the Election Committee dated December 4, 1964 and also the minority election committee report dated December 10, 1964, signed by Robert MacArthur, be produced as evidence before the Committee at the next sitting.

The Chairman then read an exchange of his correspondence with the Minister of Labour relating to the two election committee reports above referred to, and then tabled copies of both reports, received from the Minister of Labour.

After discussion, Mr. Martin (*Timmins*) moved, seconded by Mr. Barnett that the report of the steering subcommittee be approved. The motion was carried on the following division: YEAS, 10; NAYS, 8.

The Committee resumed consideration of the report of the Board of Trustees and Judge René Lippé was examined on the section dealing with Elections, and also read from a document dealing with instructions to representatives of the Trustees.

Mr. Nielsen moved, seconded by Mr. Starr, that the document from which Judge René Lippé read, "Instructions to representatives of the Trustees", be tabled. The motion was negatived on the following division: YEAS, 5; NAYS, 13.

At 11.55 a.m., the examination of the witness still continuing, the Committee adjourned to the call of the Chair.

M. Slack,
Clerk of the Committee.

Note—The evidence, adduced in French and translated into English, printed in this issue, was recorded by an electronic recording apparatus, pursuant to a recommendation contained in the Seventh Report of the Special Committee on Procedure and Organization, presented and concurred in, on May 20, 1964.

EVIDENCE

MARCH 25, 1965

(Text)

The CHAIRMAN: Gentlemen, I see a quorum. The meeting will come to order.

Mr. GREENE: Mr. Chairman, I would like to raise a point of privilege.

The CHAIRMAN: May I deal with a few routine matters first, Mr. Greene?

You may recall that at the opening of the last meeting we were requested through Mr. Speaker by Mr. Small to experiment with simultaneous translation and immediate reports. Reports have been circulated to members of the committee; and these record your words in the language in which you spoke them. They have been produced fairly rapidly in comparison with the normal procedure which has required us to wait for the printed *Hansard*-type report.

The only complaint that has been raised as a result of this experiment came from the interpreters. In some cases certain members have not been speaking into the microphones. We now have a new type of microphone. I would ask members to speak into these microphones as far as possible.

This experiment, I think, will eventually be extended to all committees. Mr. Small has asked me to express his appreciation of the co-operation shown by the members of this committee so far. We will continue along this basis today.

As I said earlier, copies of the experimental simultaneous translation, recorded and transcribed using electronic apparatus, have been distributed to members of the committee.

It would be appreciated if members would examine this document at their leisure. Any opinions or suggestions, either oral or in writing, that they may recommend will be transmitted by the Chairman to the officials of the house.

Mr. FAIRWEATHER: I think it is right that you have noted this, Mr. Chairman. I think it is a great step forward. However, rather than members of this committee being complimented, we should be complimenting the staff of the house for arranging this type of thing, which is done in a good many other areas of Canada. As usual, the House of Commons is catching up a little later with devices aimed at speeding up their work. But still, it is a good thing, and I think we should compliment Mr. Small and those who are making this possible.

Mr. NIELSEN: I did not know I could speak French so well!

The CHAIRMAN: Perhaps you do not read it so well and have come to the wrong conclusion!

There is just one other routine matter with which I would like to deal. Mr. Barnett would perhaps like to pay attention to this.

At the last sitting the committee adopted a motion by Mr. Barnett that a copy of the constitution of the unions under jurisdiction of the maritime trustees be appended to the proceedings of the committee. I have received copies

of the constitutions, and since they are bulky perhaps they should be tabled as an exhibit. I discussed this with Mr. Barnett the other evening.

Is it agreed that these constitutions be tabled as an exhibit, rather than making them appendices to the proceedings?

Agreed.

Mr. BARNETT: Mr. Chairman, I recognize the practical problem that is involved in carrying out the terms of the motion I proposed. I had an opportunity at the steering committee meetings of seeing the actual documents that were provided. In most cases, they are printed booklets. If it is agreeable to the committee, I would be quite happy to have the formal motion changed to read that they be tabled before the committee.

At the same time, inasmuch as they are printed documents, I would raise the question whether or not an inquiry could not be made to ascertain whether copies of the printed booklets might be available through the unions in sufficient quantity for all members of the committee who desire to have a copy for their own use and reference. My own experience is that most unions, when constitutions are put out in printed booklet form, usually have them printed in quantity. I think it is quite likely that sufficient copies might be made available.

The CHAIRMAN: Mr. Barnett, would you agree that one copy of each be attached as an exhibit to the records and that individual copies be obtained, if possible, for the members?

Mr. BARNETT: Yes; if it is necessary, the motion passed at the last committee meeting could be amended to read that the documents be tabled as an exhibit.

The CHAIRMAN: Is it agreed? Agreed. I have the report of the steering committee. Would you prefer to make your point of privilege before I deal with this report, Mr. Greene?

Mr. GREENE: No, I have a point of privilege based on that.

The CHAIRMAN: At the last meeting certain business was referred to the steering committee, principally the review of certain documents that were referred to it by an amended motion. I will read the report of the steering committee, which is as follows:

In accordance with the motions adopted by the main committee on March 16, that the report of the election committee dated December 4, 1964, and also the minority election committee report dated December 10, 1964, signed by Robert MacArthur, be referred to the steering subcommittee to consider and report back to the committee as to whether there is any objection to their production at the public hearings of this committee, your steering subcommittee met, and after discussion agreed to make the following recommendation to the main committee:

Your steering subcommittee recommends that the report of the election committee dated December 4, 1964, and also the minority election committee report dated December 10, 1964, signed by Robert MacArthur, be produced as evidence before the committee at the next sitting.

Mr. GREENE: Arising out of that, Mr. Chairman, I would like to raise a point of privilege. I voted against that motion at the steering committee by

reason of the fact that I hold the view that this committee has no right to access to what are private documents of the unions, and which are to that degree the less subject to being brought before this committee because they are in the hands of the trustees. Whether they be in the hands of the trustees or of the unions themselves, they are still private property. I know of no rule that a committee can do what the House of Commons cannot do—and I have read the rules to the best of my humble ability in this regard. I find the only documents that can be produced in the House of Commons are documents that are in the custody of some government department. The House of Commons has no right to subpoena private documents. By the same token, I do not think this committee can do what the house cannot do. We have no right to access to private documents, whether they be documents of the union or General Motors or any other private entity.

Because I take this view, which I have confirmed to the best of my ability by regarding the rules, I have suggested to the steering committee that I would change my position in regard to these reports if they are in the hands of any government department, as some of the steering committee members believe to be the case inasmuch as these documents were prepared by the election committee for the Department of Labour among other entities.

I took the view at that time that if this were the case and if the Department of Labour had the reports, then they would be producible for the house and, by the same token, for this committee.

I informed the steering committee that if such were the case, I would be willing to change my vote and go along with the majority of the committee, because then they would be properly producible.

In view of the opinion that I hold, Mr. Chairman, I asked you if you would send an official communication to the Department of Labour to see if these documents were with them so we could properly have them before this committee. I would ask you, sir, whether you have had any returns in this regard, or whether you can disclose to us any information which you may have.

The CHAIRMAN: As a result of your anticipated point of order, I sent the following letter to the Minister:

Dear Sir,

A request for documents known as the majority and minority reports of the election committee, a committee established to supervise annual elections of the Seafarers' International Union of Canada, was referred to the steering committee of the Industrial Relations Committee for their recommendation as to the advisability of making them public.

The steering committee recommended that these documents be made public, a decision with which I agree. However, Mr. J. Greene, whilst agreeing that these documents should be discussed or tabled, nevertheless felt that they should be obtained from the Department of Labour rather than from the trustees.

In order to prevent prolonged discussion, would your department be prepared to put these documents at the committee's disposal? If so, could you make them available for our next meeting in order that we may make faster progress by eliminating Mr. Greene's possible point of order?

I have a reply from the Minister which states as follows:

Dear Mr. Mackasey:

In view of your communication of today's date, I am enclosing two copies of the election committee report dated December 4, 1964, in connection with the election of the Seafarers' International Union officers last fall.

That letter is signed by Allan J. MacEachen.

I have here copies of the minority report as well as of the majority report of the election committee.

Mr. GREENE: That removes any qualms I had with respect to the propriety of the production of these documents for the committee, Mr. Chairman. I withdraw any objections I have made.

Mr. FAIRWEATHER: Mr. Chairman, there is just one point I would like to make. I would like to be directed to the rule that says a committee of parliament cannot send for papers.

Mr. GREENE: Parliament cannot send for private papers.

Mr. FAIRWEATHER: Certainly they can.

Mr. GREENE: In my reading of the rules I found no authority that parliament could force General Motors, for example, except by special motion to that effect. Under no rule of parliament that I can find can we command the tabling of private papers.

I know that parliament by its own rule can do anything, being supreme, but it would take a special resolution of parliament.

Mr. NIELSEN: May I speak to the question of privilege?

The CHAIRMAN: Mr. Barnett indicated at the same time as Mr. Fairweather that he had something to say.

Mr. Barnett has the floor.

Mr. BARNETT: Inasmuch as we have these documents now from two sources, I have no desire to precipitate a long discussion on this matter. It might appear that those of us in this committee meeting may have to clarify the positions we took in the committee. I supported the recommendation that the steering committee brought in. I did so because I felt that the general question which was in Mr. Greene's mind was really not involved in this particular situation.

My view is that a standing committee has only the power to call for papers which are within the specific terms of reference of the committee. My view was that our terms of reference in this particular situation did not give us the power to call for papers which might normally not be producible. I took the view that we were operating within the terms of reference of an earlier report from the steering committee, that report indicated that we would consult with the trustees, and that if they stated objections to producing any documents which should not properly be exposed to the full public view because they involve the internal business of the trade unions as organizations, we would give due weight to their views in that matter.

However, I took the view that this report was not an internal document of any one of the unions under the trusteeship. This was a report made, in a sense, by an advisory or supervisory committee involved in this election, constituted of representatives of several bodies outside the union, in addition to one representative of the union. In the earlier meeting the former chairman of

the board of trustees stated that he had no objection to these documents being published, and the present members of the trustees have not indicated that they have any specific objection. Therefore, I took the view that these documents could quite properly be made available to the committee in a public hearing.

Mr. BELL: May I, through you, Mr. Chairman, ask Mr. Greene a question to clarify my understanding?

Who is to determine whether these documents, or indeed any other documents, are producible? Is it to be the trustees? Is it to be the Chairman? Is it to be the department? Is it to be the steering committee? Or is it to be Mr. Greene?

Mr. GREENE: If I may answer the question through you, Mr. Chairman?

As I read the authority that this committee has, we have no special authority under the resolution to gain access to private documents. Therefore, our only authority must be under the rules of the house. The rules of the house state that certain documents, public documents in the hands of government departments, may be produced. As I see the matter, those are the documents to which we have the right, by the rules of the house. That is our only authority, and I know of no other authority.

Mr. BELL: Mr. Greene has not answered my question. I simply make the contention I made before. If no one says documents are non-producible, then we have the right to ask for their production. That was the case of these documents. Mr. Dryer would not say in his opinion that they were not producible.

The CHAIRMAN: Mr. MacInnis, Mr. Gray and Mr. Nielsen have indicated they would like to speak.

Mr. MacInnis has the floor.

Mr. MACINNIS: The discussion of the last ten minutes followed a question of privilege on which I would like to hear your ruling.

Mr. Greene brought up the question of privilege. He then explained why he disagreed with what the steering committee has done. This, however, does not mean that the Chairman need not give a decision. I think you should rule whether or not the matter Mr. Greene has brought up constitutes a valid discussion.

The CHAIRMAN: I have a guide line which I am going to follow, right or wrong.

Mr. GRAY: I would like to say something, Mr. Chairman, in answer to Mr. Bell's point, which was relevant to the point of privilege, that any member of the committee certainly has a right to ask for the production of a document. I think it is for the decision of the committee itself whether the document is to be produced. This decision must be taken in the light of the committee's interpretation of its terms of reference and in conformity with the rules of the house for its operation under which the committees also operate.

It may well be that the chairman presiding over this committee will make a ruling on whether a particular motion is in order. He may even ask us, in order to save time, to adopt the procedure of asking the steering committee to look into the matter and to report. That may be useful in the circumstances.

I think that is really the answer to Mr. Bell's question.

From the fact that individual members may feel certain documents may be produced, and from the fact they feel they have a right to ask for them,

it does not automatically follow that it is appropriate with respect to that document or generally under the rules under which we have to operate that the document must be produced.

Mr. BELL: I still say it is an absurd situation to have documents under the control of the trustees and, when the trustees have not said the production would be detrimental, to have the steering committee examine them, and probably everyone else in the House of Commons, and then decide they are not producible. I think we are entitled to ask for the production of any documents provided at least that the person who has control of them does not say the production would be damaging.

The CHAIRMAN: I agree with you, Mr. Bell, but Mr. Nielsen has something to say and then I am going to finalize this discussion. We spent the better part of the last meeting on the same point, and we are just rehashing what has been discussed before.

Mr. NIELSEN: Mr. Bell has said much of what I wanted to say. I entirely agree with what he has said. The trustees who are being examined by this committee are creatures of parliament. The trustees must account. Documents in the possession of the trustees must be producible to this committee. If this were not so, there would be no purpose in this committee at all. The documents are producible and the trustees may be compelled to answer questions. If it were not so, the work of the committee would be restricted to a point at which the committee would be fruitless. We cannot have any small group of this committee vetting all documents that may be called upon for production by these or any other witnesses that may be called. If the documents are relevant to the inquiries of the committee, they are producible.

On March 11, 1964, in the record of *Hansard* for that date there will be found a resolution respecting the powers of committees introduced by the Right Hon. Lester Bowles Pearson, Prime Minister, who moved as follows, and I quote from page 777 of *Hansard* for March 11, 1964:

That the standing committees of this house—

This is one of the standing committees.

—be severally empowered to examine and inquire into all such matters and things as may be referred to them by the house and to report from time to time their observations and opinions thereof, with the power to send for persons, papers and records.

I submit, Mr. Chairman, that that resolution must be read with the terms of reference of the committee.

The CHAIRMAN: May I interrupt here? Have you finished, Mr. Nielsen?

Mr. NIELSEN: The terms of reference of the committee, passed by parliament, empower the committee to inquire into the acts of the trustees with respect to their mandate. The committee is empowered to inquire into the facts found by the trustees. It lies within the responsibility—the proper responsibility—of this committee to inquire into those acts and into those facts found not only in so far as the trustees themselves relate them to the committee but in so far as any other witness who has relevant testimony to offer to this committee may testify. This same argument applies, with respect, to any relevant document which may be pertinent to the proceedings of this committee.

The CHAIRMAN: Before I hear more opinion, may I say, with humility, that I heard these arguments with the pros and cons throughout the last meeting. The section Mr. Nielsen has just read, which was introduced by the Prime Minister, is of course taken word for word from section 297 of Beauchesne, which is the standard procedure at the beginning of every session. It is section 2 of paragraph 297. Section 3 says the following, and I quote:

A committee cannot require an officer of a public department to produce any papers which, according to the rule and practice of the house, it is not usual for the house itself to order to be laid before it. If consideration of public policy can be urged against a motion for papers it is either withdrawn or otherwise dealt with according to the judgment of the house.

In addition to this, we agreed in the very first steering committee, which was a fruitful one—and members of the committee can verify or contradict that statement—that we had no intention, because it would not be in the best interest of the trustees or unions coming under the trustees, to produce through this committee any document the production of which would be prejudicial to the everyday operation of the unions, particularly in relation to their clients.

Mr. BELL: In their opinion.

The CHAIRMAN: Yes, and Mr. Bell made this point at the last meeting, as you will see if you look through your report.

In that steering committee we also adopted a policy that would eliminate much of this type of discussion. I would ask the members to let this sink into their minds for a moment and not to get too technical. Where, in the opinion of trustees, the production of documents would jeopardize the union and the role of the trustees—and the word "trustees" is an important one—the question should be referred immediately to the steering committee and then the steering committee, with the advice of the trustees, could browse through these documents and find out whether or not in fact their production would be detrimental. This is exactly what we have done with the majority and minority report of the election committee.

The steering committee has come to the conclusion that there is nothing in these documents that could be prejudicial to the unions and, regardless of whether or not the trustees indicate favour or disfavour, the steering committee has come to the conclusion that documents should be made public.

We are getting away from the subject and on to the question of documents, and the pros and cons can go on forever. I would like to take each and every document as it comes up. I do not see how I, bound by conscience, can make a blanket ruling that all documents must be vetoed just because the trustee says so, or anyone else. I think every document that is controversial should be referred to the steering committee for their objective guidance.

Mr. BELL: I think you have stated it reasonably well, Mr. Chairman, but I do say that I think we have the right when a document comes into question to ask the opinion of the trustees, who would have just as much knowledge as we would of the effect of the production.

The CHAIRMAN: I think, Mr. Bell, if this feeling were prevalent throughout the committee we would make a great deal more progress.

If the trustees feel there is nothing wrong with the production of any document, we will discuss it. If they think the production would be wrong, the matter will be referred to the steering committee who will come back to the committee with a report, as they did in this case.

Mr. BYRNE: Mr. Chairman, are you prepared to make your ruling?

The CHAIRMAN: Mr. Greene withdrew his point of privilege when I read the letters. There is no ruling to make.

Mr. Greene withdrew his question of privilege, and I have to ask the committee whether they accept the recommendation of the steering committee.

Mr. GRAY: Will you read the report.

The CHAIRMAN: The report of the steering committee is as follows:

In accordance with the motions adopted by the main committee on March 16th, that the report of the election committee dated December 4, 1964, and also the minority election committee report dated December 10, 1964, signed by Robert MacArthur, be referred to the steering subcommittee to consider and report back to the committee as to whether there is any objection to their production at the public hearings of this committee, your steering subcommittee met, and after discussion agreed to make the following recommendation to the main committee:

Your steering subcommittee recommends that the report of the election committee dated December 4, 1964, and also the minority election committee report dated December 10, 1964, signed by Robert MacArthur, be produced as evidence before the committee at the next sitting.

I would like a motion to approve the report of the steering committee.

Mr. MARTIN (Timmis): I so move.

Mr. BARNETT: I second the motion.

The CHAIRMAN: It has been duly moved and seconded that the report of the steering committee be approved. Now it is again open for a short—I hope—discussion.

Mr. BYRNE: First, Mr. Chairman, I would like to make it quite clear that if these documents are received, they will be received by virtue of the fact that they are departmental documents because there was a representative of the Department of Labour on this committee and he has reported to the Department of Labour. If that is quite clear, I am prepared to vote with the committee in favour of the documents being produced, but not otherwise.

Mr. STARR: May I ask the Parliamentary Secretary to the Minister of Labour what distinction does he make in respect of this document if it is produced from the Department of Labour simply because there was a representative from the Department of Labour on this committee; what distinction does he make between this and any other documents which may be asked for?

Mr. BYRNE: In the first place, you will note that in the terms of reference the Minister of Labour has set out what the government anticipates the committee will do, notwithstanding the fact that there was an order, which was simply automatic, that all standing committees be given certain powers. Notwithstanding that, I think it can be borne out by statements the minister has

made in the house that the Department of Labour and the minister have no quarrel whatsoever with the manner in which the trustees have carried out their duties which they were given at the time under the terms of the bill. So, the government has no quarrel with the manner in which the trustees are carrying out their duties. I am sure the government has not asked for reports from them beyond what is required under the terms in the bill—which is an annual report. Therefore they have no communications from the trustees except in this instance where an employee of the Department of Labour was requested to assist in forming a committee which would supervise the elections.

Under the normal rules of parliament, it is provided that departmental documents, with the consent of other persons, may be produced, such as documents that are related to provincial affairs. If the second or third party has no objection, they then may be produced. This is my reason for not approving of the documents being subpoenaed by the committee from the trustees, but rather that they be produced from the Department of Labour.

The CHAIRMAN: I would like to get on with our business. I gather that everybody is prepared to accept the documents for different reasons. Being a realist, all I want to do is to have them adopted. These reasons which you have, I think perhaps are important to you, in view of possible similar situations which may arise in the future; but nevertheless I would appreciate it if these are taken up one by one. There are so many angles to this that we could spend from now until 12 o'clock discussing them.

I think Mr. Byrne and Mr. Greene made it very clear that they approve of the documents, provided they come from the Department of Labour. Others request them from the board of trustees. The Chairman has obtained them from both sources. I have one set from the Department of Labour and another set from the board of trustees, so everybody should be happy. I would now like to cut off the discussion and proceed to the motion.

Mr. GREENE: Mr. Chairman, I would like to speak to the resolution. I do not think I can leave Mr. Nielsen's views unchallenged on the record. I go along with Mr. Barnett's view and I must say I cannot take great exception to Mr. Bell's view; I do not think I could dissent from that too strongly. As I understand it his view is that the trustees are in no different position from that of the officers of any private company or public corporation. If the officials of the C.N.R. were here, they could be asked to produce such a document and if they wanted to produce it on their own volition, I do not think I would quarrel with the position of Mr. Bell.

Mr. STARR: May I put one question to clarify what you have said? Is there not a difference, in view of the repeated statements by the Minister of Labour in the House of Commons that the trustees are responsible to parliament; that is, that he was not responsible for them in the House of Commons, but rather the trustees were directly responsible to parliament. Is that not so?

Mr. GREENE: I quite appreciate Mr. Starr's view and my thoughts, for what they are worth, simply are that I do not concur in Mr. Nielsen's view. He says he agrees with Mr. Bell, but to my mind he took an entirely different stand. His stand is that we can go into any of the documents of the trustees, and I understood him to say we can subpoena other witnesses. While I quite agree with Mr. Starr that the trustees must report to parliament, at the present time I think we have only certain authority in this regard. I do not concur in Mr. Nielsen's view that if we cannot go into the matter with other witnesses

and cannot go into the S.I.U. records, and so on, that we cannot pursue a useful function here.

Mr. NIELSEN: I did not mention S.I.U. records. I mentioned the trustees.

Mr. GREENE: We are here and the authority we have is to examine the trustees on their report in respect of any facts, knowledge, information or belief that they, the trustees, have. Now, having fulfilled that function and that duty, which has been foisted upon us by parliament by the authority of the resolution, it may be at that time this committee in its report will wish to do other things. It may wish to investigate further and wish to have other witnesses called. It may be that our report, when it goes back to the house, will so state. We may then require further authority from the house.

My position at this time is that the only authority we have is to examine the trustees on their knowledge, recollection, information, belief, and other facts they may have. When the time comes, it well may be that we will wish to place in the report a request for other authority in order to go further than we presently can go.

The CHAIRMAN: Mr. Émard has been trying to get my attention.

(*Translation*)

Mr. ÉMARD: We are here to throw some light on the doings of the administrators. I strenuously object to the production of documents which might be prejudicial either to the unions or to their members. Moreover, I don't think that we should hide behind legal considerations in order to prevent clarification. In my opinion, all the documents which are of use in the defence of the trustees should be recorded, be they ballot-papers or any other document whatsoever. I think that no document should be recorded that might, as I have said, be prejudicial to the unions or to their members. If it is asked for, it should be recorded.

(*Text*)

The CHAIRMAN: Mr. Émard, the steering committee took into consideration that very point and came to the conclusion that if the fact that these documents were made public would jeopardize the function of the trustees or the future of the unions, they should not be produced. The discussion is whether they should come from the Department of Labour or from the trustees. I have copies from both sources. Someone said that the duty of the committee is to examine the trustees and I am naive enough to hope that we will get on with our mandate which is to examine the trustees. I would like us to get a vote on this thing. Then we will have the reports when we get on to our mandate which is to examine the trustees.

Mr. GREENE: May I make a suggestion which would speed things up and possibly keep everyone happy towards the same end. If the committee sees fit to defeat the motion that the documents be produced from the trustees, I would be quite willing to make a motion again that we accept the documents sent by the Department of Labour.

Mr. BASFORD: I call for the question on the motion before the meeting.

(*Translation*)

Mr. ÉMARD: Mr. Chairman, by way of information, could you tell me whether, when the steering committee makes a decision, it can be contested here in plenary committee?

(Text)

Mr. BASFORD: I move that the question be put.

The CHAIRMAN: There is a motion that the question be put.

Mr. MARTIN (*Timmins*): I second the motion.

The CHAIRMAN: We cannot debate it.

I am advised by the clerk that this motion is not admitted in committees.

Mr. Basford's motion at least indicates that we would like to get on with the business. I would ask that you approve or disapprove of the report of the steering committee.

Mr. BARNETT: I appreciate your desire and the desire of other members of the committee to get on with the mandate, but I would suggest that the trustees themselves were launched on rather uncharted territory and that this committee in this meeting is on somewhat unchartered territory. Some of these matters are pretty important. We can hope that the trustees may be prepared to bear with us up to a point in this delay.

The only reason I wish to say a word or two is I feel the question raised by Mr. Byrne, no doubt with the highest motives, is a very vital issue. I disagree most strongly with his point of view, because I think it could be damaging to the development of the kind of relations between this committee and the board of trustees which some of us would like to see. The purport of his suggestion that we take these documents from the Department of Labour rather than having them handed to us voluntarily by the trustees, to me, means in effect that we are going to go behind the trustees and demand or request documents from the Department of Labour. It seems to me that this would be quite inimical to the development of the kind of relationship I would like to see between us and the trustees in these hearings. This is the reason I wished to say a word strongly urging that this committee support the recommendation of the steering committee.

Mr. GRAY: Mr. Chairman, I appreciate the sentiments expressed by Mr. Barnett. While I share his view, I do not think the suggestion that these documents should be the ones from the Department of Labour naturally leads to the conclusion he reached. There is another factor here; that is, our obligation is to follow the general rules and principles under which committees must operate and these apply irrespective of the desire of the trustees themselves in respect of the production of documents.

Therefore, I propose the following amendment: that the following words be added after the word "produced", that is to say, "from the files of the Department of Labour in view of the fact that the Minister of Labour does not object to their production." I am just writing this out.

Mr. NIELSEN: I wish to speak to the amendment.

The CHAIRMAN: Wait until I get it. I think the amendment may be a little out of order.

Mr. MARTIN (*Timmins*): While we are waiting for this amendment, may I speak to a point of order? We have been sitting here a whole day now, and a full hour of the second day. It appears to me we have discussed almost every possible hypothetical thing which could come before this committee except the matter that is before it. If this is to continue, it makes us wonder whether

it is worth our while sitting here. There are other things I could be doing rather than listening to hypothetical matters which may or may not ever come before this committee.

Mr. NIELSEN: This is the parliamentary process, Mr. Martin.

Mr. MARTIN (*Timmins*): But not necessarily so.

The CHAIRMAN: Gentlemen, while we are waiting for the amendment, I would like to point out to Mr. Gray that the steering committee was seized with a specific problem, and that was to review these documents and make a recommendation. We have made that recommendation. You may either accept it or reject it; you cannot, through an amendment, make the steering committee change its report. You may reject its report and then make a motion afterwards. However, you cannot amend their report; your amendment is strictly out of order. The steering committee met and made a report. I am going to put the motion. It has been moved by Mr. Martin, seconded by Mr. Barnett, that the report of the steering committee be accepted.

Motion agreed to.

The CHAIRMAN: The report of the steering committee has been accepted; that is, that the documents pertaining to the election known as the majority election committee report and the minority election committee report be tabled.

Mr. STARR: From the trustees.

Mr. GREENE: The report does not say that.

Mr. BELL: It is a great victory for democracy, Mr. Chairman. It is the craziest thing I ever have seen in this committee on behalf of the government members.

The CHAIRMAN: You have been such a co-operative member that I would appreciate it if we could get on to the matter before us in this committee.

We have disposed of the report of the steering committee. I would ask you to go back to page 10 in the annual report of the Board of Trustees of the Maritime Transportation Unions, which is where I think we were at our last meeting. I would remind you, gentlemen, that our specific mandate is to discuss with the trustees the actions they have taken since they took over office, some of the things they have found since taking over, and some of the recommendations they make.

Mr. BASFORD: I would like to ask the trustees whether they have received any individual complaints from people having to do with the conduct of the election?

Judge RENÉ LIPPÉ (*Chairman, Board of Trustees of the Maritime Transportation Unions*): I will give my evidence in French for the simple reason that I do not want my lack of knowledge of the English language to be a possible cause for misunderstanding.

(*Translation*)

Here it is. In answer to your question, the elections supervisory committee had three aims: the first, was to observe; the second, was to report to the trustees concerning any irregularity or illegality discovered at the time of elections and the third was to make recommendations regarding the constitution for the future. And, to answer your question directly, I personally have received no complaint from the members of this supervisory committee concerning any illegality or irregularity during the election.

(Text)

Mr. BASFORD: My question really was directed to whether you had received any complaints from individual members of the S.I.U. in respect of the conduct of the election, and any complaints indicating that some members felt the election had been improperly conducted?

(Translation)

Mr. LIPPE: Personally, I think I can say no: there were conversations of a general nature, but no specific complaints.

(Text)

Mr. BASFORD: Are you aware of whether anyone took any legal proceedings or other action to set aside the elections, or have the elections declared null and void, or improperly run?

(Translation)

Mr. LIPPE: I heard it said, or it was mentioned to me, that there were moves afoot to do such a thing, that is to take legal action to enable the election to be set aside and I answered those people that it was their inalienable right and that if they could prove that the election had been fraudulent or could tax any irregularities to it then the courts would decide and that was all!

(Text)

Mr. BYRNE: On a point of order; now that it is understood that the report of the elections committee is before the committee, will it be possible to have duplicates made of it so that members of the committee will be in possession of the report.

The CHAIRMAN: I think that would be in order so that everybody would have an opportunity to examine it. This will be done for the next meeting.

Mr. BASFORD: So far as you know no one has taken that action?

(Translation)

Mr. LIPPE: Not as far as I know, sir. I don't say that it is not possible that such proceedings were instituted, but I don't know of it personally, nor otherwise.

(Text)

The CHAIRMAN: Does anyone who is connected with the trustees know whether any legal proceedings have been taken by disgruntled or dissatisfied members? No.

Mr. BASFORD: So far as the trustees know in their official capacity, no one has either complained about the conduct of the election, nor has taken any action to set aside the election.

(Translation)

Mr. LIPPE: As I said earlier: firstly, I don't believe that legal proceedings were instituted to set the election aside; no specific complaint was made to me concerning irregularities or illegalities in the election.

(Text)

Mr. STARR: I would like to ask Mr. Millard whether any complaints of illegalities had been made to him following the election?

Mr. CHARLES H. MILLARD (*Trustee, Board of Trustees of the Maritime Transportation Unions*): No.

Mr. MACINNIS: I have a supplementary question. I would like to ask Judge Lippé whether he and the other trustees were available to any persons who may have wished to lay a complaint before them?

(Translation)

Mr. LIPPÉ: Yes, sir. There were even people who came to the office on a particular morning not long ago, at 8:15 a.m. I was there and I received them.

(Text)

Mr. MACINNIS: A further supplementary—

(Translation)

Mr. LIPPÉ: Some of the people in the room here were among those who came to see me at 8:15 a.m.

(Text)

Mr. MACINNIS: You are indicating no specific complaints were made. What was the nature of the discussion which took place—and here I refer to your answer to the last question—between you and any other individual which required you to say, as you just indicated in your answer to the last question, that you replied to them it was their right to take court action?

(Translation)

Mr. LIPPÉ: I interviewed certain individuals who asked to meet me at a dinner. I was told, those persons told me that the election had been fraudulent. I said to them: Prove it, we ask nothing more than to know of it and I personally do not know of it. Secondly, I was told that those people intended to initiate legal proceedings to have the election set aside. I said: If you can prove it, that is your absolute right. And that is what happened.

(Text)

Mr. MACINNIS: In other words, there were individual complaints made?

Mr. LIPPÉ: Well, this might be a question of semantics. There were general complaints, but no specific beef.

(Translation)

...in other words: they did not say to me: Here! this election should be set aside for this or that reason. They were statements of a general nature.

(Text)

Mr. MACINNIS: As one of the trustees, do you feel you have a duty to investigate any such complaint which required an answer from you to the person involved that it was his right to take court action; do you not feel there was a duty on you further to look into and investigate this particular complaint?

(Translation)

Mr. LIPPÉ: Providing the complaints had been specified, I would agree with you. But I asked them time and again to give me specific complaints and I received none.

(Text)

Mr. MACINNIS: Well, Judge Lippé, was it not and is it not your duty to investigate such complaints; is it not your responsibility to look into and examine all such complaints which may be forthcoming from individuals?

(*Translation*)

Mr. LIPPÉ: I don't believe anyone could or that I could, go any further than I went in telling them: Gentlemen, you're welcome! And as a matter of fact each member, or each person, who wanted to see me did see me at any time or roughly whenever they asked or even without asking; the more so as I just told you, the supervisory made no report to us, no report whatsoever, relating to irregularities or illegalities during the election, and since I personally had no knowledge of it.

(*Text*)

Mr. MACINNIS: The original question asked was were there complaints, and your answer to that question, so far as I am concerned, verified that you did have complaints.

(*Translation*)

Mr. LIPPÉ: I am sorry, sir, that with the best will in the world I cannot answer otherwise than I have: there were no specific complaints!

(*Text*)

Mr. BYRNE: Mr. Chairman, I would like to ask Judge Lippé whether he could briefly describe the election procedures and tell us whether there are any areas in which it may have been possible, despite the scrutiny of the election committee, for fraudulent action to take place?

Mr. NIELSEN: May I raise a point of order?

The CHAIRMAN: Point of order?

Mr. NIELSEN: I understand that in the house it is not permissible for anyone except the press reporters to take notes of the proceedings. I see a gentleman on my left taking copious notes. I would suggest you might consider the propriety of this.

The CHAIRMAN: I would presume that Mr. Howard is taking notes possibly for the benefit of the trustees.

Mr. BYRNE: On the point of order; I think if Mr. Nielsen had looked around the room on the previous occasion, he would have noticed a columnist who is not a member of the press gallery taking copious notes of the meeting. If he saw it, I think his suggestion should have been raised at that time, if there is any real objection.

The CHAIRMAN: I think it is a small point. I think Mr. Nielsen will agree that Mr. Howard is here in his capacity with the board of trustees.

Mr. NIELSEN: Who is Mr. Howard?

The CHAIRMAN: Mr. Howard is the assistant director to the board of trustees. I think we can extend him our co-operation. I cannot see any implication in his taking notes.

Mr. NIELSEN: There is no implication. I know that it is against the rules of the house and may also be the rule in committees. There was no hidden motive.

Mr. GREENE: I think the rule referred to by Mr. Nielsen refers to persons in the public galleries who are watching the proceedings. I think this matter here is analogous to that of officials of the department who come into the house during discussion of the estimates. They take copious notes of the proceedings.

I therefore think the point is not one that would prevent advisers of the trustees who are here with them taking any notes they see fit to take.

The CHAIRMAN: Mr. Byrne wished to speak to the point of order.

Mr. BYRNE: I simply say it is a silly point of order.

Mr. GREENE: I think it is very nice to see Mr. Nielsen concerned with the rules.

The CHAIRMAN: I appreciate the bonne entente between Mr. Nielsen and the member, but I do not think we should continue in this manner.

Mr. BYRNE: I think Judge Lippé was about to answer the question.

(Translation)

Mr. LIPPÉ: If I remember your question correctly—at any rate, you asked, if I understand properly, you will correct me if I am wrong: what precautions did we take with regard to the election procedure? I believe the best answer I can give you and the most comprehensive, is to read you the instructions we sent to our representatives on the occasion of that election:

(Text)

Effective September 15, 1964, balloting begins for the various posts on the executive of the S.I.U. of Canada. One representative from the board of trustees will remain in the hiring hall at Vancouver, Fort William, Thorold, Toronto, Montreal, Quebec and Halifax, between the hours of 9 a.m. and 4.30 p.m., Monday through Friday, except on statutory holidays.

A representative of the board of trustees will accompany a member of the S.I.U. balloting committee on board all contracted vessels in the area in which he is located.

This representative of the trustees will have in his possession a copy of the nominal roll of all members entitled to vote.

If the member's name does not appear on the nominal roll arrangements will be made through the S.I.U. to ascertain if this member has been left off the list by error. The representative will ensure that the member voting is entitled to vote when he presents his membership card to the union representative.

Members shall then mark their ballots with a rubber stamp provided by the balloting committee and shall signify their choice of candidate by marking with the stamp in the voting square opposite the name of the candidates. Members will vote for one candidate for each position.

Pens or pencils must not be used for marking ballots, and any ballot so marked shall be voided.

The member, upon marking his ballot, will fold same in such a way so that no one will know exactly how he voted. When a member has marked his ballot he will deliver it folded to the union representative, who will confirm that the member is entitled to vote and will tear off the numbered stub. The member will then deposit the ballot in the ballot box. When a ballot is spoiled for any reason, if the voter brings such fact to the attention of the representatives, then the representatives may mark such ballot "spoiled" in ink, and issue a further ballot to the voter. Each ballot marked "spoiled" shall be enclosed and forwarded with the valid ballots. If the stub was separated

from the spoiled ballots, the representatives shall staple the related stub to the ballot marked "spoiled".

The representative will then return to the member his membership certificate after punching the certificate with the appropriate voted symbol.

The trustees' representative will ensure that only one ballot is handed to each member, and he will check the serial number and enter the number on his nominal roll.

At the end of the day's voting, the representative will take the ballot box to the Royal Bank of Canada designated in each area. The manager or the assistant manager or the accountant will open the ballot box in the presence of the representative and count the number of ballots unopened in the box as well as the number of stubs. The number of stubs, the number of ballots and the number of members who voted that day shall be reconciled in the presence of the bank agent. These ballots and the stubs will then be deposited in a special envelope already prepared.

The trustees' representative and the union representative and the bank representative will sign across the bank seals at both ends of the envelope and the trustees' representative will then affix stamps in three places on the said envelope.

It will be the bank's responsibility to see that the envelope containing the ballots and stubs are despatched in the same envelope, by double registered mail, to the Manager, Royal Bank of Canada, 997 St. James Street West, Montreal 3, P.Q., as soon as possible after the day's voting.

It is suggested that the representative of the trustees have in his possession during the hours of balloting a copy of the union constitution. He must guard at all times against any attempt by any member or any group of members to insert false ballots in the box. It will also be the duty of the trustees' representative to see that each night the ballot box is deposited in a place of safe keeping, that on the following morning prior to balloting he will ascertain that no ballots are in the box. It is suggested that the box be opened in the presence of the union representative to ensure that he is satisfied that no ballots have been inserted during the night.

The box will then be locked, and the key will remain in the possession of the trustees' representative, in an envelope sealed and signed by the representative and the committee on election, until the evening and opened in front of the agent of the Royal Bank of Canada designated in that area.

The trustees' representative will be in charge of the proceedings and the arrangements for the vote. It will also be his responsibility to see that the voting is conducted in a proper and orderly manner, and to this end he may adapt or vary the instructions to meet local or peculiar conditions.

Location and type of polling booth:

The trustees' representative will arrange to have the poll placed in a central location. Each poll must be equipped with a screened off voting booth or a place in which each voter may mark his ballot in complete secrecy.

Nominal roll shall be in the possession of the trustees' representative, who will check off the name of each member who has voted. In addition, the trustees' representative shall make a list daily of the names of the members, and opposite each name he will write down the pertinent stub number.

If any eligible member desiring to vote indicates that he does not understand the meaning of the ballot or the proper way to mark the ballot, the

trustees' representative, in the presence of the union representative, will explain the text of the ballot in simple language and point out to the voter the manner in which he should mark the ballot for the candidate of his choice. The union representative will not be permitted to do this or to influence the vote in any way.

The voter will then go to the voting booth, and mark and fold his ballot. In the case of a handicapped or illiterate voter who requests special help or instructions, the trustees' representative may accompany the voter into the polling booth and give the necessary assistance privately. This may also be done when ballots are not printed in a language known to the voter.

In order to ensure strict privacy in the booth, the trustees' representative will not hand a voter his ballot until the previous occupant of the booth has deposited his ballot in the box.

Trustees' representative will prevent overcrowding in the voting rooms by admitting only the number of voters that can be conveniently dealt with at one time. Arrangements should be made with the ship's master to regulate the flow of voters by directing a few of the employees to the booth from time to time.

Supervision of the poll:

It is desirable that there be no electioneering during voting hours in the locality of the polling station, and this must be discouraged and prevented. To this end, the trustees' representative and the union representative will not allow representatives of the interested parties to frequent the polling rooms or places unless they are casting their ballots as members eligible to vote.

No person will be allowed to make a speech or examine the voting list to determine the names of those having or not having voted.

Propaganda placards, etcetera will not be permitted to be distributed or shown in or around balloting places.

Protested votes:

In the event any vote is challenged by the trustees' representative or the union representative on the ground that the voter is ineligible to vote, or that he may be eligible or has been omitted from the list, the trustees' representative will decide on the basis of the information furnished by the voter whether or not the voter should be allowed to cast a provisional ballot. Such a provisional ballot shall not be placed in the ballot box. Instead, the voter will be requested to fold it and hand it over to the trustees' representative, who will place it in an envelope, and seal it, marking thereon the name of the person and the facts concerning the protest.

All envelopes containing provisional ballots shall be enclosed and forwarded with valid ballots and stubs as aforesaid.

At the time of counting votes, the trustees election committee shall rule on the eligibility of each provisional ballot in accordance with the constitution and, if satisfied it is a valid ballot, then a member of the committee shall remove the ballot from the envelope in which it is contained and place it among the valid ballots.

(Translation)

Those are the instructions we sent out.

(Text)

Mr. NIELSEN: Mr. Chairman, has Judge Lippé any objection to making the document from which he read a part of the record?

Several hon. MEMBERS: It is part of the record.

The CHAIRMAN: May Mr. Byrne finish his line of questioning?

Mr. BYRNE: There is an ancillary question there, Mr. Chairman. I wonder if Judge Lippé could point out any area, or the most likely area, in which it would be possible to fraudulently vote. Are duplicate membership cards a possibility?

(Translation)

Mr. LIPPÉ: It's rather difficult to answer this question because I am under the impression that, no matter what the system you use, even if it is the best, it is still possible not only in elections relating to unions but also in other elections to attempt fraud.

(Text)

Mr. BYRNE: Would it be fair to ask an opinion then? Would the judge say there is probably less likelihood of fraudulent elections here than in Burnaby, for example?

Mr. LIPPÉ: I would not comment on that.

(Translation)

What I mean is that we have, I believe, taken all the precautions that we could normally be expected to take and perhaps more.

(Text)

Mr. BYRNE: That is all I wish to say.

Mr. MACINNIS: May I ask a supplementary question?

Judge Lippé, what type of lock was used on the ballot boxes?

(Translation)

Mr. LIPPÉ: The ballot boxes were boxes that the federal government gave us. They are the federal government boxes that are used for federal elections. That's what I was told.

(Text)

Mr. MACINNIS: You are not personally aware of the type of box?

(Translation)

Mr. LIPPÉ: I do not vote, sir. That is why I am telling you that that's what I was told.

(Text)

Mr. MACINNIS: Then the judge would have no idea whether there would be a few extra keys floating around.

(Translation)

Mr. LIPPÉ: No one spoke to me about it. It is barely possible but that is the first I have heard of it.

(Text)

Mr. MACINNIS: I beg the judge's pardon. I am not trying to give him news. I am not trying to indicate to him—

Mr. LIPPÉ: Then what is your question?

Mr. MACINNIS: My question is this: Were the trustees aware of the entire situation that existed during the election?

You have already admitted you did not know what type of boxes were used, or what type of lock was used.

Mr. LIPPÉ: I did not say that.

Mr. MACINNIS: You assumed—

Mr. LIPPÉ: That was not my answer.

Several hon. MEMBERS: Order, order.

Mr. MACINNIS: I would like to know who the members are hollering "order" at—me or Judge Lippé.

I have asked a straightforward question. Judge Lippé has given an answer. He has said that he was told they were provided by the federal government. I have asked him if he is aware that there may have been keys available to members to tamper with the box.

(Translation)

Mr. LIPPÉ: The answer is no.

(Text)

The CHAIRMAN: I do not think there was anything wrong with the question. You asked a straightforward question and Judge Lippé said the ballot boxes were supplied by the federal government.

Mr. MACINNIS: Judge Lippé said he was told the ballot boxes were provided by the federal government. He made it very clear that he was not aware what type of boxes were available or how many keys were available.

The CHAIRMAN: He also indicated that there might have been extra keys.

Mr. REGAN: Surely it is not expected that Judge Lippé would personally carry the boxes down to Ottawa one by one.

Mr. LIPPÉ: I did not do that, I assure you.

Mr. MUNRO: May I put one question to Judge Lippé?

Is there anyone present, who is affiliated with the trustees, who was personally present and saw this whole operation of voting being carried out and had supervision of the ballot boxes? If such a person is present you could talk to him now and inform yourself of his personal experience and then give the answer to this committee. There is nothing improper in that course of procedure.

If there is someone here who was physically present, an official connected with the trustees, Judge Lippé could ask him now for his experience.

Mr. MILLARD: This is impossible.

Mr. BYRNE: In every case there was—

The CHAIRMAN: There is still a chairman here, gentlemen. Judge Lippé, would you like to answer?

(Translation)

Mr. LIPPÉ: I am sorry, sir, I would like to have the question re-read because Mr. Grandpré was speaking to me while you were putting your question. I did not get the meaning of it.

(Text)

The CHAIRMAN: Mr. Munro was asking you if there is someone here who is connected with the trustees and who was physically present in the specific

capacity of supervising the elections, and who could answer these questions from first hand knowledge.

It has been indicated that no one expects you as a trustee physically to have been there at the polls, but it is indicated there may be someone present here who would have first hand knowledge of the situation as it existed.

Mr. MUNRO: May I, with respect, correct something you said?

There is nothing improper in Judge Lippé or any trustee talking with such officials who would have knowledge of these occurrences and informing himself from a discussion with them so he, or any of the trustees, could give direct evidence as a result of the discussion.

I would question the practice of other than trustees giving evidence, but there is nothing wrong with the suggestion I have outlined.

(*Translation*)

Mr. LIPPÉ: Personally, I shall have to check. I do not know and I cannot check at this time. I can check and answer the question.

The CHAIRMAN: Could you consult someone, if necessary?

Mr. LIPPÉ: Yes, I can consult someone and see whether I can give you an answer. If I can give you an answer, you will have it.

(*Text*)

Mr. MUNRO: Then, Mr. Chairman, my position is simply that subsequent to this meeting Judge Lippé can check with the officials to find out their personal experience, and he can give evidence later after those consultations.

Mr. BYRNE: Who was the keeper of the keys?

Mr. MILLARD: I would like to point out that we have gone on with the business of trusteeship and many of the people who acted on behalf of the trustees, as outlined in the rules, are no longer on the staff of the trustees. They were on the staff for a special purpose and for a specific length of time, and they are no longer available.

Mr. BASFORD: I would like to ask Judge Lippé about the voting instructions which he read to the committee.

Were any specific complaints made to the trustees that in any instance those instructions had not been followed?

Mr. LIPPÉ: Not as far as I am concerned anyway; but I will just check with Mr. Hope who may have received complaints.

Mr. NIELSEN: Perhaps I could clarify this by asking a couple of questions.

The CHAIRMAN: You will be given full opportunity to put these questions when Mr. Basford has finished.

Mr. BASFORD: Judge Lippé, I was asking you as one of the trustees whether any complaint had been made to the trustees, and you are certainly entitled to inform yourself from your officials.

(*Translation*)

Mr. LIPPÉ: Not of me.

(*Text*)

Mr. BYRNE: I am prepared to accept their report.

The CHAIRMAN: Have you finished, Mr. Basford?

Mr. BASFORD: Yes.

The CHAIRMAN: Mr. Nielsen.

Mr. NIELSEN: Judge Lippé, was it not the procedure that there was an appointee of the trustees in company with an appointee of the union who accompanied each ballot box in each location where the ballot was taken?

Mr. LIPPÉ: Oui.

Mr. NIELSEN: Mr. Millard just said these members are no longer on the staff. Is it not a fact that three are still on the staff?

Mr. MILLARD: I am not sure.

Mr. LIPPÉ: That could be the case. That would have to be checked, but it could be so.

Mr. MILLARD: Some are off and some are on.

The CHAIRMAN: Some are still on but some are not.

Mr. MILLARD: That is right.

Mr. NIELSEN: Where are the others?

Mr. MILLARD: Some have gone back to their original employment with the National Employment Service, I believe.

Mr. NIELSEN: I just wanted to interject those few questions in order to clarify the situation.

(Translation)

Mr. CHRÉTIEN: Your Lordship, Mr. MacInnis spoke of ballot boxes and there is some doubt that you saw the ballot boxes yourself?

Mr. LIPPÉ: Yes, I saw them.

Mr. CHRÉTIEN: Did you see the devices which were used to secure the ballot boxes? Did you see them?

Mr. LIPPÉ: I am almost certain I saw them. My hesitation was only on account of this suggestion: "Absolutely certain and almost certain."

Mr. CHRÉTIEN: But did you check at least one box?

Mr. LIPPÉ: Yes.

Mr. CHRÉTIEN: That is all, thank you.

Mr. LIPPÉ: All I want to say is that I do not remember the exact time and the place where I could have seen that box.

(Text)

Mr. MARTIN (Timmins): Judge Lippé was outlining the regulations of the election. He mentioned that the ballot is handed to each member, and I believe the words he used were, as I heard them, that "the members shall vote for one for each office". If they did not vote for one for each office would the ballot be destroyed? Is it required that they vote for one incumbent for each office?

The CHAIRMAN: That is a good question, Mr. Martin.

(Translation)

Mr. LIPPÉ: I can't answer that question with any certainty immediately. I shall see about it and shall give you an answer.

(Text)

The CHAIRMAN: Have you finished, Mr. Martin?

Mr. MARTIN (*Timmins*): Yes.

The CHAIRMAN: Mr. Gray.

Mr. GRAY: Judge Lippé, as far as you are aware, were any complaints made to the trustees or the officers of the trusteeship by the representatives of the trusteeship who are concerned with the ballot boxes with respect to any improprieties or irregularities?

(Translation)

Mr. LIPPÉ: Not to my knowledge, sir.

(Text)

Mr. GRAY: With respect to both the majority and minority reports of the committee which was set up to supervise the elections, as far as you were aware did they contain any reports of any irregularities or improprieties in the election?

(Translation)

Mr. LIPPÉ: If you will permit it, the documents have now been placed before your committee and are being circulated for comment. I don't know whether you have read them and I can tell you that those documents will be examined shortly within the context itself of possible changes to the S.I.U. constitution.

(Text)

Mr. GRAY: Your impression of these reports is not that they set forth complaints of fraudulent practice that would invalidate the elections?

(Translation)

Mr. LIPPÉ: I do not think so, because if it had been we would have Insofar as I, personally, am concerned, I do not know whether the other directors . . .

(Text)

Mr. GRAY: Perhaps I could explain my question.

The CHAIRMAN: I have had a request from "outer space" asking Judge Lippé to speak into the microphone. I mention this because at the same time I will remind all of you that these microphones, which are a little more sensitive than those we had last week, are not so sensitive that they will function if we do not talk into them.

Mr. GRAY: I have another question that I would like to direct to the other trustees.

From their study of both the majority and minority reports of the special election committee, do the trustees feel these reports set forth any evidence of fraudulent activity or impropriety which would lead to the results of the election being considered invalid?

Mr. MILLARD: The answer is no.

Mr. NIELSEN: Are you speaking for Judge Dryer too?

Mr. MILLARD: I am speaking for the other trustees.

Mr. LIPPÉ: I think so, with all due reserves.

Mr. MACINNIS: My question is supplementary to that asked by Mr. Martin. What method was used to obtain the names of all potential officers on the ballot?

(*Translation*)

Mr. LIPPÉ: I understand that it is the ones who were in the office who have precedence; I mean that they were placed first.

(*Text*)

Mr. MACINNIS: I did not have my microphone to my ear in time to completely catch your answer.

Mr. LIPPÉ: The incumbent's name appeared first on the ballot.

The CHAIRMAN: May I say something in explanation? Perhaps I can clarify this.

The elections were conducted under the constitution of the Seafarers' International Union. The trustees have no power to circumvent the constitution, which states that the name of a member in office should be the first. The trustees can correct me if I am wrong about this. The names are placed on the ballot in the order in which their nominations are filed with the trustees, which in most events, of course, means that the sitting member will be first on the list.

Mr. STARR: Is it in most events or in all events?

The CHAIRMAN: In theory it should not be in all events. However, I do not know.

Mr. MACINNIS: I will ask one direct question now.

In what position on the ballot paper was Mr. McLaughlin.

Mr. LIPPÉ: I will have to check, sir, to tell you that.

Mr. MACINNIS: Would the judge, when he is checking—

The CHAIRMAN: To save time, let me say that I have the document here and I will hand it to Judge Lippé.

Mr. LIPPÉ: It is number one.

Mr. BELL: What a coincidence.

Mr. MACINNIS: Again, I keep in mind that the trustees were empowered to clean up the Seafarers' International Union, and this itself is something it would be likely to be cleaning up. What theory was applied or how did Mr. McLaughlin rate priority for filling a position that was actually vacant? Why was he number one?

The CHAIRMAN: Do you want to answer that, Mr. Millard?

Mr. MILLARD: The question is answered in the minority report. The obvious answer is obtained from the minority report which you have before you.

The constitution provides that incumbents and candidates or nominees will be registered as they are received. Naturally, the incumbents are usually first on the list.

If you read the minority report you will find that the recommendation of the union member involved is that this system be continued. On the other hand, there is a difference of opinion expressed by the majority report. The majority believe that some constitutional changes should be made, and I assure the committee those are under consideration by the trustees now.

Mr. MACINNIS: May I follow that question, Mr. Millard, and ask you to explain, if the incumbents should desire that their names would not go on first, regardless of who came in first with their nomination papers, or whatever the

case may be, what control the trustees exercise over the fact that someone in Halifax or someone in Vancouver may have indicated his intention to run for the office of president, and what control was exercised over the fact that his nomination papers, or whatever the case may be, were in before Mr. McLaughlin's or not? Is there any control or investigation?

Mr. MILLARD: No, there was no control in this regard. The procedures as established by our chairman, Judge Lippé, were followed as closely as possible all the way through. The procedure provided that the union elections committee, under the supervision of the trustees election committee, were the representatives of the Department of Labour and the Canadian Labour Congress, the trustees and the union. They supervised the counting of the ballots in the final analysis. They also supervised the registration of candidates on the ballot in accordance with the constitution. They found that it was all done in order. In fact, I can tell the members of the committee that certain members on the elections committee congratulated the elections committee of the union on the way in which this was carried out.

Mr. BREWIN: Mr. Chairman, on a point of order; I think Mr. Millard referred to a minority report. I am sorry I was not here earlier. Is that a supplementary report?

The CHAIRMAN: The original document tabled in the House of Commons was the majority report and owing to a technicality, the minority report could not be tabled, but was circulated. If you do not have these, we will get you a copy.

Mr. BYRNE: It is the election committee.

Mr. BREWIN: Oh, I am sorry.

The CHAIRMAN: The majority and minority reports of the elections committee are to be photostated and as soon as possible copies will be available to members of the committee.

Mr. BREWIN: I apologize to the committee.

The CHAIRMAN: Gentlemen, I have the names of Mr. MacInnis, Mr. Emard, Mr. Starr, Mr. Byrne, Mr. Martin, Mr. Greene and Mr. Basford, in that order. I am trying to spread it around as much as possible. I have a hard time telling the Tories from the Liberals, but I am doing my best.

Mr. MACINNIS: I would like to follow this up by asking Mr. Millard does he not consider that the majority report which wishes to bring about a change in the methods of placing potential officers on the new ballot should be supported, because there is every opportunity for the incumbents to deal with nomination papers which may be filed at their own request. Here is a case where the majority report fully substantiates the reason they were set up, certainly in an area such as this in the S.I.U. where there is a possibility of the incumbent officers maintaining the first place on the ballot.

Mr. MILLARD: I can assure the hon. member that the majority report of the elections committee will be given all the consideration to which it is entitled. Undoubtedly it will have some weight with the trustees.

Mr. MACINNIS: Would this be replaced so that the voter could secure another ballot and place a properly marked ballot in the box when his original instructions were to fold his ballot and put it in the box in the first place?

Mr. LIPPÉ: In the reading of the instructions, I think I said this: When a ballot is spoiled for any reason, if the voter brings such fact to the attention of

the representatives, then the representatives may mark such ballot "spoiled" in ink and issue a further ballot to the voter. Each ballot marked "spoiled" shall be enclosed and forwarded with the valid ballots.

Mr. NIELSEN: Is the judge willing to table the document from which he is reading?

Mr. LIPPÉ: It is in the record. I have read the whole document.

Mr. NIELSEN: On a point of order; the witness has read some of the document and I am not suggesting he left out a word, but it would be much better if it were tabled, and attached to the record so that we could refer to it.

The CHAIRMAN: Will you give Judge Lippé an opportunity to go into consultation to see whether or not it is prejudicial?

Mr. GREENE: Surely these persons can have private documents to which they refer which do not have to be tabled.

The CHAIRMAN: They have only to say that they do not think it is in the best interests of the union. This may be the answer.

(Translation)

Mr. LIPPÉ: Mr. Chairman, I am speaking on a matter of principle, because, according to the document itself, I have read it in full. Consequently, there is not a word to hide. This is a matter of documents belonging to the trustees. It is my opinion, I am speaking personally and my colleagues will tell you in a moment what they think, that these documents are of a private nature, confidential, and for this reason, I would ask the committee not to force us to produce this document.

(Text)

The CHAIRMAN: Do you have something to add, Mr. Millard?

Mr. MILLARD: Personally, I agree with the position just stated by our Chairman.

The CHAIRMAN: I think the specific point is that Judge Lippé says he has read the document in its entirety; it is in the record. He has not left anything out of it. I think this should be satisfactory. We all will have a copy pretty soon of today's proceedings. He is trying to establish that this is a private document belonging to the trustees. He has not hesitated to read it into the record, and this should be sufficient.

Mr. NIELSEN: I raised the point of order on a matter of principle. It is within the rules to demand production of this document, particularly since it has been read from. I am not suggesting that a sentence, a word, or even a paragraph may have been misconstrued, or left out, or any other combination of such, but the document having been referred to is producible. I therefore move, seconded by Mr. Starr, that the document be tabled.

The CHAIRMAN: There is a motion before the committee that the document entitled Instructions to Trustees' Representative be tabled.

Mr. GREENE: On the point of order—

Mr. BYRNE: On this point of order; the principle enunciated by Mr. Justice Lippé is a good one; it is on all fours with the position I and other members of the committee have taken. This committee would be in the position of having to wait again, as we have to wait for the reproduction of the reports of the elections committee. It would not assist in any way in this inquiry that is being made at

the present time. It was read in full by the judge, and I think we should accept this as a fact.

The CHAIRMAN: I would like to hear one viewpoint in contradiction and then we will have our vote.

Mr. GREENE: On a point of order; I do not think we have any authority to vote. This witness has said this is a private document and he is not going to produce it. There is no legal authority of which I know; if there is such authority of which anyone knows that enables us to make private persons disclose private documents in this committee, I would like to see it.

Mr. NIELSEN: On the point of order, this is a document—

The CHAIRMAN: Mr. Greene is not finished.

Mr. GREENE: I know of no legal authority whereby these gentlemen can be compelled to produce a private document. The reference from the house certainly does not give us the authority to compel them to do so.

Mr. BELL: He has read from it; it is public knowledge now.

Mr. GREENE: He can refer to any document he wishes to refresh his memory. His evidence is on the record.

The CHAIRMAN: Gentlemen, much as I appreciate the cross fire, I would like to hear the arguments uninterrupted. I have Mr. Greene on my list, and when he is finished I have Mr. Starr, Mr. Martin, Mr. Regan, Mr. Barnett and Mr. Nielsen.

Mr. GREENE: Suppose the vote was in favour of having the document produced and the trustees said they would not abide by the motion, the legal position is very clear that there is not a thing we could do. We could fine them for contempt, but you have no authority to compel them to produce.

Mr. STARR: Mr. Chairman, on this point of order, we have listened to Judge Lippé, the chairman of the trustees, read the instructions in respect of how this election would be conducted, laying down the ground rules. Earlier today we had approved the committee tabling the documents containing the report of that elections committee, and this is the document setting out the instructions concerning what had to be done, and so forth. This document is in no different category than the two documents the committee already has approved.

Mr. MARTIN (Timmins): I do not think the important point here is whether we do or do not have the legal right. We could go on arguing this all day. I think the important thing is whether the trustees can tell us why they feel it should not be presented. It may be they consider this would be prejudicial to their function, or to the unions. I think this is the important thing we should know.

The CHAIRMAN: Would you like to answer Mr. Martin's question?

(Translation)

Mr. LIPPÉ: I read this document first of all mainly as a memory aid. If my memory had been better, I could have quoted it to you, without reading the instructions which were given to the representatives. It is rather weighty but it is such as to inform you on the whole matter, I read the document to you. Secondly, I told you that, first of all, I didn't say it would not be recorded. You are the ultimate authority and we must defer to your decision. There is no doubt on that point. That is not the point. I simply emphasize the objection that in my

opinion, and I am making it a matter of principle, not necessarily with regard to the content of this document, but in my opinion, you should not ask us to produce any private document whatsoever because it is essentially of such a nature as possibly to be damaging to the work that is being done.

(Text)

The CHAIRMAN: Is that satisfactory, Mr. Martin?

Mr. MARTIN (Timmins): Yes.

Mr. REGAN: Mr. Chairman, I feel very strongly on this point. As one member who had great hesitation in voting for the establishment of a board of trustees over a number of trade unions, I feel we are in a position, from the point of view of public policy, where we would greatly prejudice the likelihood of obtaining responsible citizens to serve as trustees in similar situations in the future should such arise. I feel this would be the case if we are to request that they produce documents which they feel it would not be in the best interest of the trustees to have produced, having regard to the fact that they have to deal with the individual trade unions involved on a confidential and private basis for the best interests of the nation and the trade unions.

I also feel this would open the door to allowing production of any private documents of any of the individual unions that are listed as being the maritime unions—any documents which happened to be in the hands of the trustees in their capacity as trustees, but which are the property of the individual unions. It would be a very grave extension of the intrusion parliament already has made into the privacy of these trade unions.

I feel the precedent that would be established would be far in excess of having a trusteeship run by individuals. It would mean that parliament, through its committee, in effect was attempting to look into the private affairs of trade unions in this country. That sometimes is done in communist countries. I would hate to find it is being espoused here by our people who should have a better knowledge of the background of trade unionism.

The CHAIRMAN: I think I have heard from all sides on this point.

Mr. NIELSEN: I would like to speak to the point of order.

The CHAIRMAN: Mr. Nielsen and then Mr. Byrne.

Mr. NIELSEN: These documents are in the care, custody and control of the trustees. The trustees have been set up by act of parliament; the trustees are being paid by the taxpayers of Canada out of funds voted by parliament. Mr. Chairman, Mr. Millard just made an interjection.

The CHAIRMAN: I did not hear him.

Mr. NIELSEN: What Mr. Millard said is "So are members of parliament". I am making a valid point here and I do not need any innuendos. The trusteeship itself is being paid for by the taxpayers of Canada out of funds voted by parliament. I object to these documents being called private documents, because they are not private documents at all; they are documents which in effect are public documents in the care, custody and control of the trustees. The argument that they are not producible because they may harm the interests of the S.I.U. is an argument which has arisen before and one which has been referred to the steering committee in the past, at which time the documents in question were recommended for production. This is not a matter of the documents being in the possession of the S.I.U.; it is a question

of the documents being in the possession of the trustees, the trustees who are before this committee for examination in accordance with the terms of reference set by parliament. The documents in all of these matters which are in the possession of the trustees are within public control precisely because parliament is paying for them.

The CHAIRMAN: I might remind you that the first meeting of the steering committee did establish the right of the trustees to refuse documents to the committee. The steering committee had on it representatives of all parties, including Mr. Starr, Mr. Woolliams and Mr. Barnett. We did agree that there could be documents which should not be made public because it would not be in the best interests of the unions who are in a competitive position. It was agreed in this committee that the trustees could refuse to produce these documents, and if necessary, if this were insisted upon, the matter would then go again to the steering committee for decision. This is the decision of the first steering committee. The steering committee is composed of members from all parties who, I am pleased to say, were very objective at both meetings, including the meeting which Mr. Nielsen attended. I have no complaint about the manner in which the members participated. I would like to repeat that at the first meeting of the steering committee, we foresaw the problem of making available documents which would jeopardize the position of the trustees and the unions. As Mr. Martin said, this committee does not know what is in the documents; only the trustees know ahead of time what is in the documents. We must have faith in the trustees in carrying out the mandate to the best of their ability. For that reason the steering committee agreed to take into consideration the recommendation of the trustees in respect of whether or not documents should be tabled. I think it is very important that we respect the judgment of the trustees. I think Mr. Bell brought this out.

Mr. NIELSEN: Mr. Chairman, I had not finished I listened to you very carefully and I still feel it is within the power of the committee to entertain a motion on the question of any other document. I appreciate very well the substance of the meeting of the first steering committee. Judge Lippé has not informed the committee how the production of this document from which he has read will prejudice either the work of the trustees or the union itself. Perhaps the committee might be disposed to consider this objection in a little more favourable light if Judge Lippé were to tell us how it possibly could prejudice the work of the trustees or of the union itself.

In the event that I may not have the opportunity again, Mr. Chairman, may I suggest to you that you ask witnesses to bear with the parliamentary process and refrain from interjecting and antagonizing individual members with comments which are unwarranted, particularly before the argument is concluded.

The CHAIRMAN: Perhaps the trustees have been sitting in the public gallery and hearing some of the hear, hears and oh, ohs in parliament. You can hardly blame them for patterning their conduct on the conduct of the house.

Mr. BYRNE: Mr. Starr made the point that this is precisely the same motion which was supported—I think quite incorrectly—by a majority of the committee. Pardon my reference to a vote in the steering committee.

The CHAIRMAN: There should not be any comment on this.

Mr. BYRNE: I withdraw that. Mr. Starr already had referred to a vote which had taken place there.

Mr. Chairman, in your preamble to the report of the steering committee you said that this would not set a precedent and that both the trustees and the Department of Labour—but particularly the Department of Labour—agreed that these documents may be produced. Therefore, if a vote is taken on this, it should be presumed that it would set a precedent. I certainly am of the opinion that it should be defeated.

Mr. STARR: I would like to speak to the point of order and the statement made by Mr. Byrne a moment ago, that the steering committee voted on the matter of whether or not they would recommend the production of these papers with the stipulation that this would not set a precedent. If he is right, I would like to know whether a record has been made of this. He is making some wild statements.

Mr. BYRNE: These are not wild statements. This is a repetition of what the Chairman himself said in the preamble to his reading of the report.

The CHAIRMAN: I think the Chairman knows better than anyone else what he said. I said that all the various rulings in respect of different documents are independent and are not designed to set a precedent. I think it is very clear that no one has asked us to set precedents. I do not think Mr. Byrne is quite fair in anticipating this argument, because in all the argument I have heard no one ever brought out the point that a precedent has been established. This is unfair.

Mr. BYRNE: Mr. Starr did.

The CHAIRMAN: I have not heard it.

There is a motion before the committee.

Mr. BREWIN: Mr. Chairman, I would like to ask a question to clarify the matter in my mind when I am going to vote on this. Judge Lippé has said that it would be prejudicial to the administration of the trustees to produce the document which I understand contains the instructions to the committee in conducting the election. I wonder whether he would object to expanding on that statement that it might be prejudicial? I do not find the mere assertion that it would be prejudicial very convincing. I think we have to exercise a little judgment. I am perfectly prepared to accept the judgment of the trustees if it is backed up by a little more than a mere statement. On the face of it, I cannot quite see why these instructions in respect of the voting should not be produced. I think we might be able to save a lot of time. There may be a valid objection to producing the document, but I do not think the mere statement is very convincing.

Mr. BYRNE: Mr. Chairman, I had not finished my statement. I think I must comment on what has been said by Mr. Nielsen, but before doing so I would like to say that it is the principle with which I am concerned, the principle being that any notes to which Judge Lippé refers in refreshing his memory in reporting to this committee cannot be demanded as a document to be tabled before this committee.

The CHAIRMAN: Excuse me—

Mr. BYRNE: Mr. Nielsen should keep in mind that this is a unique situation. Everyone in the house voted with a great deal of trepidation when we set up this committee.

Mr. MACINNIS: Another wild statement by the hon. member.

On a point of order, I see no reason why I or any other member should have to remain here and listen to wild statements made by the hon. member. I do not know what he is talking about. He is not aware of what went on in the house during the vote. The member from Halifax referred to the intrusion of parliament into the unions. This is ridiculous coming from these members.

The CHAIRMAN: Gentlemen, we were doing so well.

Mr. MACINNIS: Until he started making wild statements. It is time he stopped.

Mr. BYRNÉ: If there is a wild man in the house, I know what corner he is in.

Mr. MACINNIS: You know what happened to you when you were in the corner. If he wants to prove who is the better man, he will have the opportunity.

The CHAIRMAN: I would appreciate it if the members would refrain from imputing motives with regard to how or why we voted in the house, or what we felt about it. I would ask Mr. Byrne to bring his comments to an end.

Mr. MACINNIS: On my point of order, I want a direct ruling from the Chair on the statement made by Mr. Byrne which is nothing less than a lie.

The CHAIRMAN: Mr. MacInnis, you always co-operate with the Chair.

Mr. MACINNIS: I am not going to place myself in the same position as the hon. member of making excuses about why I voted. I made up my mind and stayed with it, but he is trying to back out.

Mr. REGAN: I would rise on a question of privilege, but I do not think the hon. member is worth bothering with.

The CHAIRMAN: Now you have all got your opinions off your chests, please help the Chair a little by starting to be adult once again.

Mr. GREENE: Mr. Chairman—

The CHAIRMAN: I am sorry, Mr. Greene, you do not have the floor.

Mr. GREENE: I wish to speak on a point of order.

The CHAIRMAN: Would you like to elaborate a little further and—

Mr. MACINNIS: I am going to insist on either the member completely withdrawing that statement or the Chair making a ruling. I am not going to put myself in the position of allowing the member to say something like that.

The CHAIRMAN: Frankly, I am guilty of not paying very close attention to it. I have learned in the last—

Mr. MACINNIS: You did not pay close attention to what Mr. Byrne said?

The CHAIRMAN: I have learned in the two days I have been here to close my ears to a lot of things that should not have been said by all members, not only one. I have tried simply to pay attention to things that I think are relevant.

If Mr. Byrne accused someone of lying, though I know him well enough to know it was not intended, I cannot get excited about it.

Mr. BYRNE: On a question of privilege, I accused no one of lying. I would like to know what statement it is the hon. member would like to have me withdraw.

Mr. MACINNIS: I will give it to you straight. Mr. Byrne made an emphatic statement that all members voted for this legislation. That is an outright lie. Mr. Byrne does not know what he is talking about. He knows what my statement is referring to now, and I ask the Chair to rule.

The CHAIRMAN: What legislation are you referring to? Perhaps you are referring to different legislation.

Mr. MACINNIS: I am referring to the trustee legislation. I am referring to the legislation setting up the trustees. He made a statement that is a lie.

Mr. BYRNE: This is not what I said at all.

I said that all members who voted for this legislation voted with some trepidation; they felt this was a precedent; it was the first time that any such action had been taken by a parliamentary government to set up a trusteeship, a government public trusteeship, over a union. It was with a great deal of trepidation that members voted for this legislation in that they did not choose to interfere with the operations of a trade union. I think that is the principle with which every one of us agrees.

Mr. Chairman, whether the hon. member—

Mr. MACINNIS: But, Mr. Chairman—

The CHAIRMAN: Please wait a minute. What Mr. Byrne has said—

Mr. BYRNE: That is exactly what I said. If the hon. member wants to say I am a liar, that is all right.

The CHAIRMAN: When Mr. Byrne repeated his statement to you he used the word "who". If he did not use the word "who" in his first statement, perhaps he thought he did, or perhaps he used it and you did not hear it. You have made your point and Mr. Byrne has made his point. Let us get on with the order of business.

Some hon. MEMBERS: Question.

The CHAIRMAN: A motion has been put by Mr. Nielsen, seconded by Mr. Starr.

Mr. STARR: On a point of order, surely the hon. member here for Greenwood is entitled to clarify.

Mr. BREWIN: I do not know whether I am entitled to do so, but I would like to ask for further explanation.

Mr. NIELSEN: I asked the first question—

Mr. GREENE: Before Judge Lippé answers I would like to speak to that.

The CHAIRMAN: This is the point.

Mr. GREENE: It is a very important point.

The CHAIRMAN: We have been discussing this for 40 minutes. It is a straightforward motion.

Mr. GREENE: The point is a very important one. I am not going to waive my right to speak on it.

The CHAIRMAN: Ask Judge Lippé if he will elaborate. If Judge Lippé will elaborate, I will give you the opportunity—

Mr. GREENE: I do not want him to answer until I have had the opportunity to speak to this motion, which I think is my right.

Mr. BARNETT: Some time ago you indicated the list of people who wished to speak in a certain order.

The CHAIRMAN: I am sorry. You were on that list ahead of these people.

Mr. BARNETT: It does seem to me, if I may say so, that those of us who earlier caught your eye should be allowed to speak.

The CHAIRMAN: I apologize, Mr. Barnett. Your name is written down here; if you have something to say please say it.

Mr. GREENE: I was on that list, and if you are ahead of me on it, Mr. Barnett, I would be very pleased to wait.

The CHAIRMAN: Yes, Mr. Barnett.

Mr. BARNETT: Mr. Chairman, I would like to say that I agree wholeheartedly with the statement that was made a little earlier by Mr. Regan. I will not repeat it.

As far as the advisability of voting in the affirmative on this motion is concerned, it seems to me there are two considerations involved. One of them is that the matter of internal memoranda or documents between the trustees and their staff is in fact in the same category as departmental or interdepartmental memoranda in the hands of a minister of the crown. In my experience on committees, ministers appearing before us have been able to consult with their staff or read portions of such documents to a committee without being bound by the rule that applies in the house.

Mr. BELL: Not when something has been quoted directly.

Mr. BARNETT: I think the principle is quite clear. Judge Lippé perhaps is not as experienced in appearing before committees and—

Mr. LIPPÉ: I am learning, sir.

Mr. BARNETT: He may not have realized the distinction between paraphrasing and quoting.

Mr. LIPPÉ: I do now.

Mr. BARNETT: The second consideration which leads me to oppose the motion is a more practical one. I feel if we pass this motion we will in effect create a situation which I think none of us in this committee desires; that is, we will be putting the trustees into a position in which they will be very wary about giving us any information.

Mr. STARR: That much we are all aware of.

Mr. BARNETT: I want the committee to be in the position of having the closest possible information, if they can usefully give us information relating to the trusteeship, and to feel free to make passing reference to certain documents, which may be union documents, in their possession. That is why I think Judge Lippé was quite correct in expressing reservations on this matter. The whole question of principle is involved.

I am anxious to see this meeting with the trustees a successful operation which will increase our knowledge and the knowledge of the people of Canada about the way this trusteeship has operated.

With all those considerations in mind, I feel the motion should be—

Mr. BELL: May I say that I agree with the last speaker.

The CHAIRMAN: Mr. Greene has asked to speak first. You will have to wait, Mr. Bell. I am going to be more severe. No one will have a second turn.

Mr. BELL: I have not had a first turn.

The CHAIRMAN: Nor has Mr. Greene on this point. You will have your say; I will guarantee that.

Mr. GREENE: I would like to point out that Mr. Martin had some qualms that these points were technical. I only wish to reiterate that they are extremely important.

Mr. Nielsen has made his point very clear that all the documents of the trade unions are now vested in the trustees. They are now the property of the trustees. Therefore, once we open up the question of production of documents he will properly take the view that all trustee documents are available. If such be the case, then I think we will find ourselves in the exact position Mr. Regan referred to; we will actually be running the trade unions. I am sure that none of us who are responsible members of the committee wishes this to happen.

This is an extremely important point, Mr. Chairman.

Earlier, Mr. Bell stated his view that if there was an objection by the trustees they did not need to produce. He now modifies that view.

Mr. BELL: No.

The CHAIRMAN: The view is that if they read from a document it must be produced.

Mr. GREENE: I suggest, with respect, as Mr. Barnett has very properly pointed out, that will only limit the useful information the trustees can give us because then we can take the view that if they look at a document it has to be produced.

With regard to Mr. Brewin's point that they must justify their objection, what troubles me—and I know he has the best intention in this regard—is that if they must justify their objection, in the case of any future documents we will not be going into the documents themselves, but we will be opening the door for the production of all the documents which Mr. Nielsen has forthrightly said it is his view should be produced.

With respect, I think this is an extremely important point. I think parliament has entrusted the trustees with running trade unions. If this committee is to take over the running of the trade unions we will be in very difficult shape. I suggest this motion should be defeated to waylay once and for all the possibility of all the documents of these five trade unions being producible here.

The CHAIRMAN: Mr. Bell.

(*Translation*)

Mr. ÉMARD: Mr. Chairman, I believe I put my name forward before those of Mr. Greene and Mr. Bell and I haven't yet had a chance to speak.

(*Text*)

The CHAIRMAN: Perhaps the Chair is out of order. I am trying to get the goodwill of the committee. Everything that can be said has been said. I am not going to discriminate against Mr. Émard, but if everyone is going to insist on his right to speak on every point of order, then we will not get very far.

Paragraph 159 of Beauchesne states, and I quote:

(3) It has been admitted that a document which has been cited ought to be laid upon the table of the house, if it can be done without injury to the public interest.

That is a principle from which you people have got away. It goes on to say:

The same rule, however, cannot be held to apply to private letters or memoranda.

Again, you have been asked to decide whether this is a memorandum which is private and whether its production would be injurious.

The only way in which Mr. Émard or anyone else can express his opinion is to vote one way or the other. The discussion going on now is taking place in order to sway people to vote one way or the other.

I am trying to get a proper cross section of all parties and all witnesses in the time at our disposal. I had intended to adjourn at noon, but at the same time I respect the right of everyone to be heard. If you insist, you have the right.

(*Translation*)

Mr. ÉMARD: I believe the discussion is taking place among the lawyers. Are there no other members who could speak here without being a lawyer and could we not perhaps skip over the legal details in order to get back to simple common sense occasionally? I have nothing against lawyers, but nevertheless, I believe that—

(*Text*)

The CHAIRMAN: You have a good point, but the Chair is not a lawyer. This is perhaps why he has been pleading with the committee for half an hour to proceed to the vote.

Mr. BELL: Mr. Chairman, since my name has been mentioned, I merely want to say that I agree that we should not ask for the production of these documents if Judge Lippé gives us a reasonable explanation why damage would be done to the internal management of the union. Mr. Brewin has asked a very good question in that regard.

However, I want to say that—and whether we have made a mistake or not in this case I do not know—it would be improper for a witness to quote extensively from a document or from parts of a document and not be required to produce it. Otherwise, he would take different sentences from documents and legal decisions that would be favourable to his point of view without mentioning other parts of the document which might be unfavourable. If he wants to refer to notes or to refresh his memory, as witnesses do in criminal hearings, this is one thing; but Judge Lippé—and I am not criticizing him for this—was repeatedly quoting directly. This may be a fault of the committee for allowing it to happen.

I put this reservation forward for future action. We cannot have direct quotes from documents that are not produced.

The CHAIRMAN: That is an excellent point. I will bear it in mind in future.

(*Translation*)

Mr. ÉMARD: Mr. Chairman, as you know, I am an old union man and I intend to protect the rights of the workers and of the unions but I don't believe we should turn this into a question of principle covering all the documents. I believe that each document must be considered separately and if certain documents are required in order to enlighten the committee, without detriment to the workers or the unions, I believe that they should be recorded.

(*Text*)

The CHAIRMAN: Thank you very much. We have a motion before the house by Mr. Nielsen, seconded by Mr. Starr.

Mr. MARTIN (*Timmins*): On a point of clarification, I am not sure that I caught all Mr. Émard said, but I would like it clearly understood that we are voting on this issue and not now for every issue that may come up.

The CHAIRMAN: That is right. You are not voting to establish a precedent. I think this point has been emphasized and re-emphasized.

Mr. BREWIN: I am not insisting, but I would still like you to inquire from Judge Lippé whether he would like to answer the question.

Some hon. MEMBERS: He has answered it.

Mr. BREWIN: Someone says he has answered already, but I have not heard the answer.

The CHAIRMAN: Have you anything further to say, Judge Lippé?

(*Translation*)

Mr. LIPPÉ: All I can say is to repeat what I said earlier and this is primarily a question of principle. Secondly, with regard to disclosing the reasons and the *raison d'être* of this document, or others that might be asked for, the reasons why I find it should not be produced are that it is of a private or confidential nature. I believe that I shouldn't be called on to answer that question because answering that question could very well bring to light the reasons which could possibly be prejudicial to the strength we have vis-à-vis the unions. Thirdly, it is somewhat ironic nevertheless that because I have read the instructions in extenso for the sole purpose and no other of giving you a complete picture of all the instructions without forgetting a single word that they should be the cause of the disagreement between us at the moment. It would perhaps have been better if I had forgotten a phrase or if I had forgotten a paragraph. And the only reason why I read the whole thing in extenso was to give you a complete picture, without instruction or anything else.

(*Text*)

Some hon. MEMBERS: Question.

The CHAIRMAN: The motion has been put forward by Mr. Nielsen, seconded by Mr. Starr, that the document from which Judge Lippé read, known as "Instructions to the Representatives of the Trustees", be tabled.

In favour? Opposed?

Motion negatived 13 to 5.

The CHAIRMAN: Gentlemen, we have already sat for two and a half hours. I would appreciate a motion to adjourn.

Mr. LESSARD (*Saint-Henri*): I move adjournment, Mr. Chairman.

Mr. BYRNE: I second the motion.

Motion agreed to.

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